Agenda - Council - June 25, 2003

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

Item No. 6 Proposed Rezoning - 971-981 Corydon Avenue
File DAZ 204/2003 [c/r DAV 168/2003D]

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 City Centre 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, being Lots 5-20, Block 75, Plan 255, as shown on Schedule "A" for File DAZ 204/2003 dated April 16, 2003, to a "C1.5" 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 prior to the issuance of a development permit plans be submitted for the approval of the City Centre Community Committee showing site access, loading, parking, building elevations and materials, signage, landscaping, fencing, garbage enclosure and site lighting.

        ii. That land uses be restricted to the following:
        a. drug store
        b. medical, dental, optical, counselling or related, clinic

        iii. That businesses on the site be closed between the hours of 12:00 a.m. and 7:00 a.m. daily.

        iv. That the following signage be prohibited:
        a. advertising and mobile signs

        v. That an ornamental wooden fence be installed along Stafford and Corydon Avenues.

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

vi. That external lighting be shielded (full cut-off).

vii. That snow storage and outside storage be prohibited on the site.

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 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.

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 by-law is adopted by Council. That in the event the Zoning Agreement is not registered within twenty-four (24) months after adoption of the by-law 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.

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.

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 City Centre 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 City Centre Community Committee, as amended, namely:

- Recommendation 3:
  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".

- Recommendation 5:
  Add a second sentence "That in the event the Zoning Agreement is not registered within twenty-four (24) months after adoption of the by-law 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"

and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 6, 2003, the City Centre Community Committee concurred in the administrative recommendation as amended, namely:

- Delete Recommendation 1.A.iv.its entirety and replace with the following:

  1.A.iv. That the following signage be prohibited:
  a. advertising and mobile signs

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

DECISION MAKING HISTORY (continued):

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

RE: **Proposed Rezoning - 971-981 Corydon Avenue**
File DAZ 204/2003 [c/r DAV 168/2003D]

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

Prepared by: **Carol R. Freeman, Clerk, City Centre Community Committee**

Report date: **May 14, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation 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, being Lots 5-20, Block 75, Plan 255, as shown on Schedule "A" for File DAZ 204/2003 dated April 16, 2003, to a "C1.5" 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 prior to the issuance of a development permit plans be submitted for the approval of the City Centre Community Committee showing site access, loading, parking, building elevations and materials, signage, landscaping, fencing, garbage enclosure and site lighting.

        ii. That land uses be restricted to the following:
        a. drug store
        b. medical, dental, optical, counselling or related, clinic

        iii. That businesses on the site be closed between the hours of 12:00 a.m. and 7:00 a.m. daily.

        iv. That the following signage be prohibited:
        a. advertising and mobile signs

        v. That an ornamental wooden fence be installed along Stafford and Corydon Avenues.

        vi. That external lighting be shielded (full cut-off).

vii. That snow storage and outside storage be prohibited on the site.

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 the 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 reasons for its recommendation:

1. The establishment of a Pharma Plus Drug Mart and medical clinic will be beneficial to the community at large.

2. The application complies with Plan Winnipeg and will provide a community-level retail service.

PUBLIC HEARING SUMMARY

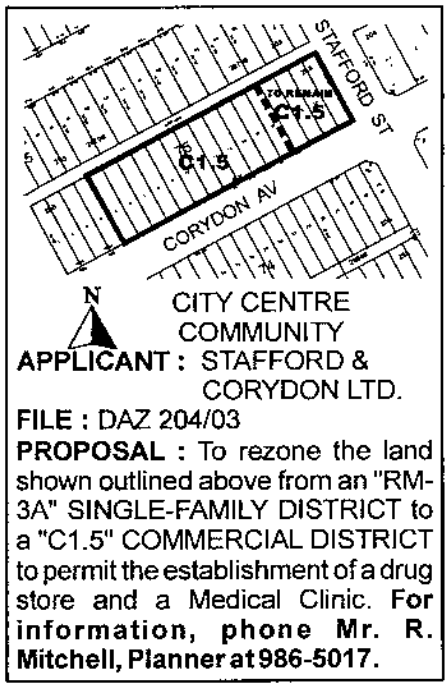
File: DAZ 204/2003 [c/r DAV 168/2003D]

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

Public Hearing: May 6, 2003
West Committee Room
Council Building
510 Main Street

Applicant: Stafford and Corydon Ltd. (Ross Ransby)
360 McMillan Avenue
Winnipeg, MB R3L 0N2

Subject:



Premises Affected: 971-981 Corydon Avenue

Exhibits Filed:
1. Application dated March 19, 2003
2. Advertising notice dated March 20, 2003
3. Manitoba Status of Titles 1921021 and 1921022

4. Surveyor's Building Location Certificate and Sketch dated August 12, 2002
5. Copy of Caveat dated November 11, 1991
6. Extract from Atlas Sheet AC23
7. Proposed Site Plan and Proposed Floor Plan
8. Report of the Manager of Planning and Land Use dated April 16, 2003
9. Communication from Fred Curry, 997 Dorchester Avenue, for information purposes to the application
10. Photographs of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Ross Ransby, 360 McMillan Avenue, Winnipeg, R3L 0N2
Stewart Elston, 301 - 850 Scotland Avenue, Winnipeg, R3M 1X7
John Kiernan, 1123 Grosvenor Avenue, Winnipeg, R3M 0M9

In Opposition:

Nil

For Information:

Fred Curry, 997 Dorchester Avenue, Winnipeg, R3M 0P9

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ross Ransby, appearing in support of the application, requested the following changes to the recommendations from the Senior Planner, namely:

- deletion of the requirement, under 1. A. i., for plan approval by the Community Committee given the property was an existing site
- addition of permitted uses, under 1. A. ii. , excepting a veterinary or medical laboratory, under the proposed "C1.5" Commercial District in order to accommodate additional or replacement use of the site in the future
- delete signage prohibition , under 1. A. iv.
- delete requirement for cash dedication

Mr. Ransby advised they would like to retain the signage, which would consist of a large facia sign on the building, roof signs which he felt would require variances and poster board or mobile signs in order to advertise store specials. He indicated that he had no objection to prohibition of a pylon sign.

Mr. Ransby also advised that the building was sitting on a site currently zoned "RM-3A" and the restrictions were as a result of the full pharmacy with medical services in the back. Insofar as the dedication was concerned, he noted that the balance of the site was zoned commercial and the entire site had always been utilized as commercial property.

John Kiernan, appearing in support of the application, advised that he was the Chair of the St.Ignatius Parish Council. He indicated that the Council's only concern was the long-term uses might be too open under the proposed "C1.5" zoning due to the elementary school across the street. He indicated that the Council was in support of both residential and mixed uses for the subject site.

In reply please refer to / Référence à rappeler :

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

File No. DAZ 204/03 (c/r DAV 168/03D) April 16, 2003
Our c/f CP 500 (.601)

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

Dear Ms. Freeman:

REZONING
Northwest corner of Stafford and Corydon
City Centre Community Committee
File No. DAZ 204/03

An application has been received from Stafford and Corydon Ltd. (Ross Ransby), to amend By-Law No. 6400/94 by rezoning the land shown below from a/an "RM-3A" Airport Area Multiple-Family Residential District to a/an "C1.5" Commercial District to allow for the establishment of a drug store and medical clinic use.

RELATED FILES: DAV 168/03D



SITE DESCRIPTION:

Site Area: 46,800 square feet; approx. 120' along Stafford by 390' along Corydon

Existing Land Use and Zoning: Commercial building and accessory parking lot zoned "C1.5" and "RM-3A".

Surrounding Land Use and Zoning:

North: Across public lane, houses zoned "R1-4A" Single-Family, Airport Area Residential District.
South: Across Corydon, St. Ignatius Catholic Church and school zoned "R1-3.5A".
East: Across Stafford, vacant commercial site zoned "C1.5".
West: Over to Harrow, two houses converted to commercial use zoned "RM-2A".

DEVELOPMENT DESCRIPTION:

Site Layout: The site is developed with a commercial building separating two parking areas. The property contains 2 ownership parcels. The easterly parcel is zoned "C1.5", and is developed with the parking lot at the east end of the site. The westerly parcel is zoned "RM-4A" and contains the store and the westerly parking lot.

Store Layout: The property contains a one-storey, commercial building originally constructed as a Safeway grocery store. The building has a main floor area of 11,400 square feet, measuring 100 feet by 114 feet. The store layout shows about 1,540 square feet at the rear of the building developed as a medical clinic with 5 examination rooms and a reception area with 29 seats. The Pharma Plus Drug Mart would occupy the remainder of the main floor area, with merchandise extending to gifts, groceries and cosmetics. The floor plan also shows a postal outlet. Customer entrances to the drug store are provided at the front off Corydon, and at the northwest corner of the building from the westerly parking lot. Cash registers are located at both entrances. The drug store stock area is located at the northeast corner of the building, with loading from the easterly parking lot. The medical clinic provides a main entry off the westerly parking lot, and a secondary entry off the easterly parking lot.

Site Access: The site is currently provided with four approaches, one off Stafford and three off Corydon. The approaches will not be altered. The public lane along the north limit of the site will remain inaccessible from the site for vehicles. The loading zone is located at the northeast corner of the building, as is the garbage bin.

Site Parking: The site provides a total of 83 parking stalls including 2 handicapped stalls. The east parking lot contains 20 parking stalls, while the west parking lot contains 63 stalls.

Site Fencing and Landscaping: The applicant proposes to improve the landscaping, including new fencing along Stafford and Corydon, and shrub beds planted with trees at strategic locations. A new fence will also partially shield the loading zone and garbage bin.

PLAN WINNIPEG:

The application complies with Plan Winnipeg. The site is located at the intersection of two Regional Streets, and the proposed development will provide a community-level retail service.

ADMINISTRATIVE COMMENTS:

The Development Management Branch supports the proposed redevelopment of the subject site. The recommendations for approval include a Zoning Agreement to ensure appropriate land usage and minimum site development standards.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land, being Lots 5-20, Block 75, Plan 255, as shown on Schedule "A", for file DAZ 204/03, attached hereto and dated, April 16, 2003, to a "C1.5" 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:

viii. That, prior to the issuance of a development permit, plans be submitted for the approval of the City Centre Community Committee showing site access, loading, and parking, building elevations and materials, signage, landscaping, fencing, garbage enclosure, and site lighting.

ix. That land uses be restricted to the following:

a. drug store
b. medical, dental, optical, counselling or related, clinic

x. That businesses on the site be closed between the hours of 12:00 a.m. and 7:00 a.m. daily.

xi. That the following signage be prohibited: advertising signs, pylon or freestanding business ID signs, poster boards, mobile signs, temporary signs.

xii. That an ornamental wooden fence be installed along Stafford and Corydon Avenues.

xiii. That external lighting be shielded (full cut-off).

xiv. That snow storage and outside storage be prohibited on the site.

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,

C. Knoll
Manager of Planning and Land Use

_____

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

/jc

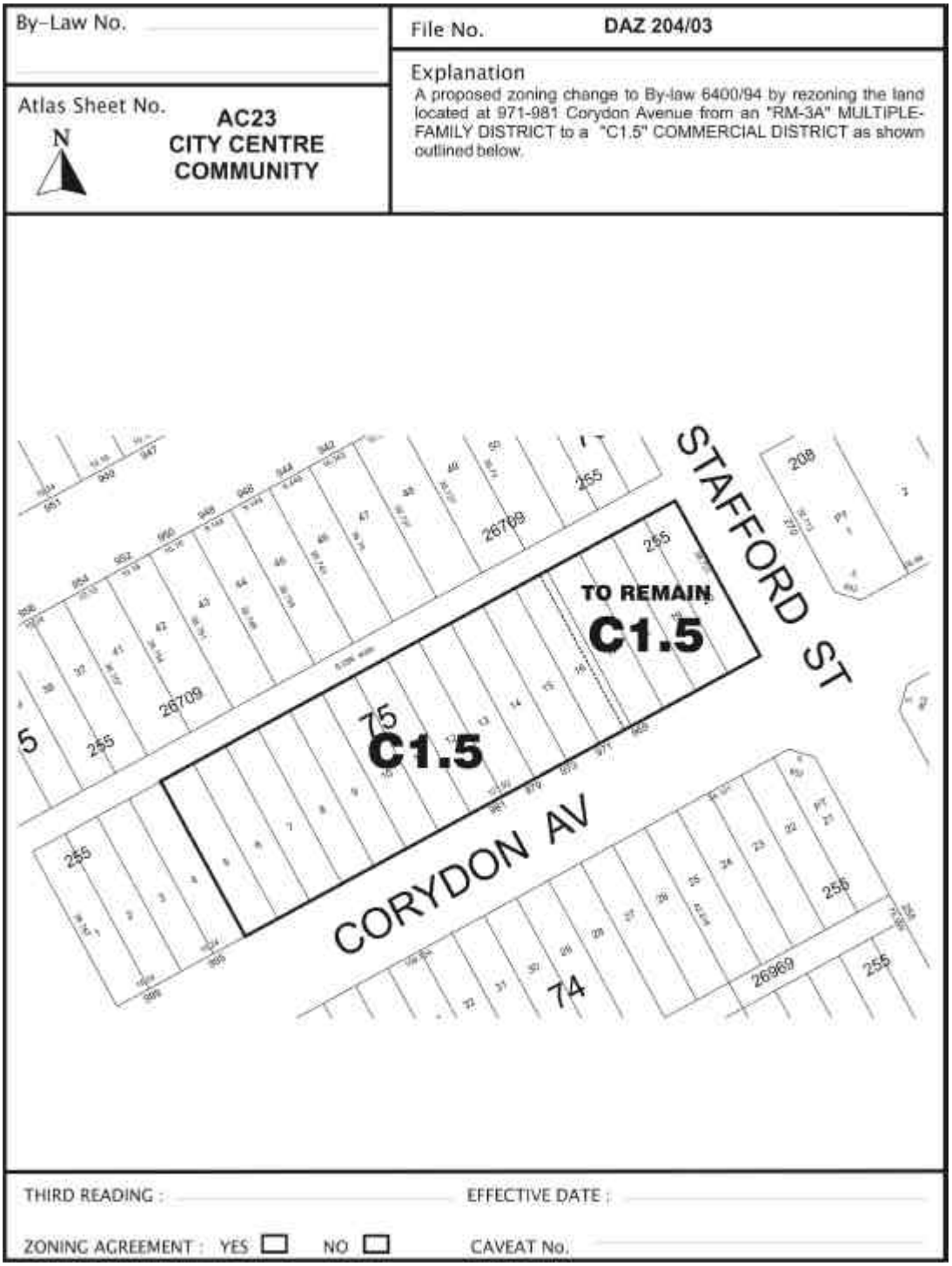


Figure 1: Schedule "A" to the report to the City Centre Community Committee for file No. DAZ 204/03, dated April 16, 2003.

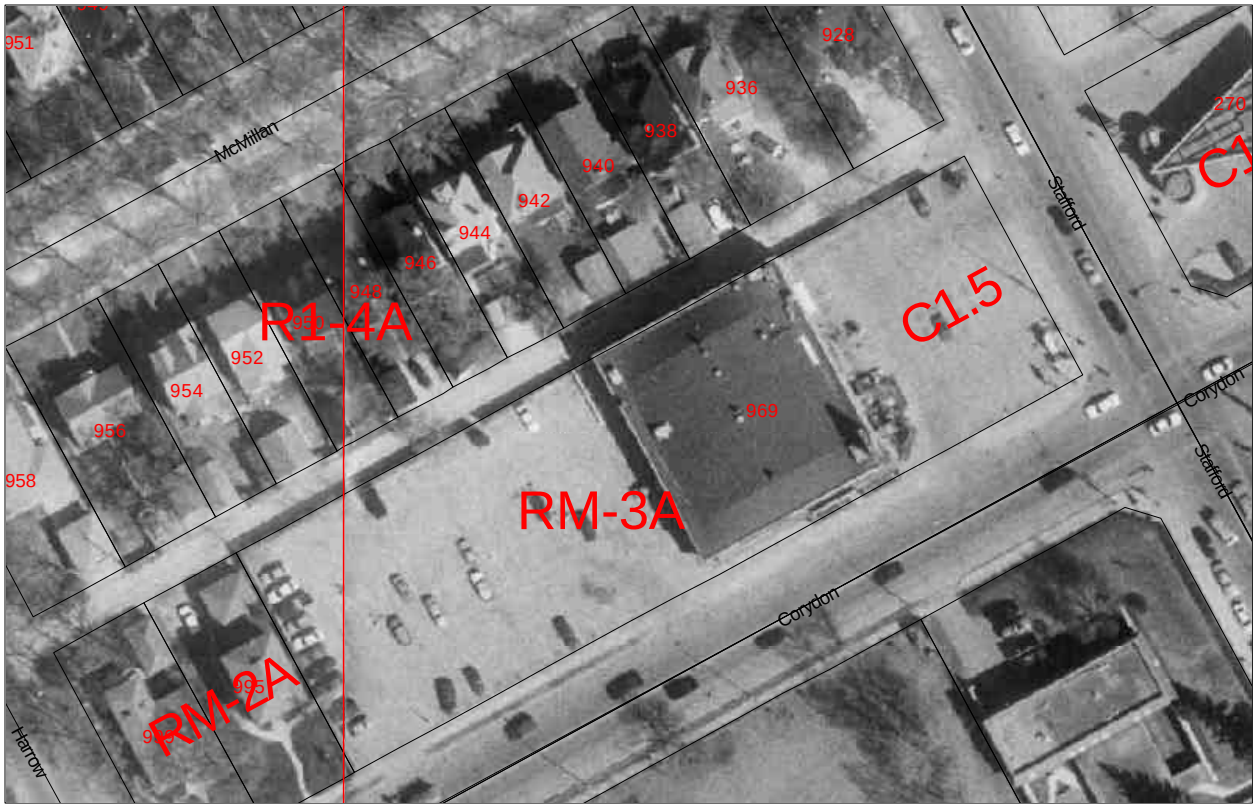


Figure 2: Air Photo of Site