Agenda - Council - June 25, 2003

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

Item No. 8 Proposed Rezoning - 635 Broadway
File DAZ 209/2003 [c/r DCU 94/2003D and DAV 184/2003D]

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 as shown on Schedule "A", for File DAZ 209/2003 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:
        i. That the use of the land be limited to the following:
            a. non-accessory parking lot for 635 Broadway
            b. dwelling units

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

RE: **Proposed Rezoning – 635 Broadway**
File DAZ 209/2003 [c/r DAV 184/2003D and DCU 94/2003D]

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 as shown on Schedule "A", for File DAZ 209/2003 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:

      i. That the use of the land be limited to the following:
         a. non-accessory parking lot for 635 Broadway
         b. dwelling units

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. There was no opposition to the application from the community.

2. The applicant did a community consultation with respect to the application.

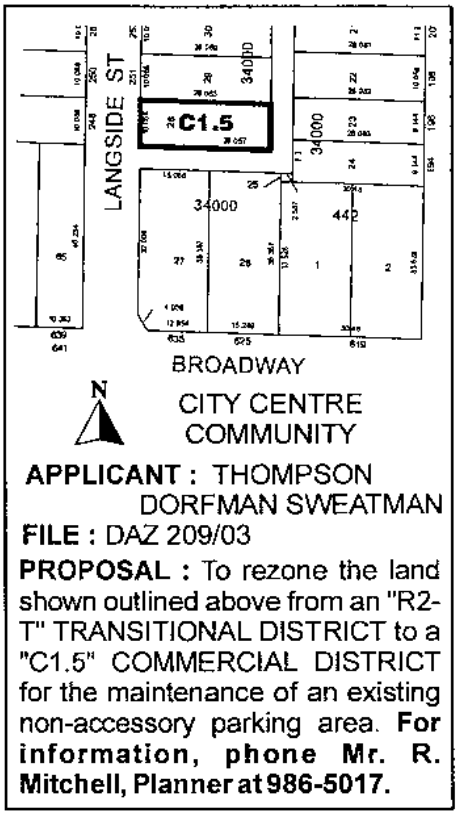
3. The subject property has been used as a non-accessory parking lot for some time and the location is not a problem.

4. The application complies with Plan Winnipeg

PUBLIC HEARING SUMMARY

File:	DAZ 209/2003 [c/r DCU 94/2003D and DAV 184/2003D]
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:	Thompson Dorfman Sweatman (Lyndee Bothe) 2200-201 Portage Avenue Winnipeg, MB R3B 3L3

Subject:



Premises Affected: 635 Broadway

Exhibits Filed:

1. Application dated March 28, 2003
2. Advertising notice dated April 7, 2003
3. Manitoba Status of Title 1928432
4. Surveyor's Building Location Certificate and Sketch dated January 20, 2003
5. Letter of Authorization from Dennis Dempsap, President, and Bobbi Ethier, President, LPCM, dated March 3, 2003
6. Extract from Atlas Sheet AA23
7. Plans (3 pages)
8. Report of the Manager of Planning and Land Use dated April 17, 2003
15. Photographs of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Lyndee Bothe, Thompson Dorfman Sweatman, 2200 - 201 Portage Avenue, Winnipeg, R3B 3L3
W. James Millar, Balmoral, Manitoba, R0C 0H0
Cheryl Conley-Strange, 635 Broadway, Winnipeg, R3C 0X1

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Miller, appearing in support of the application, advised that overtures had been made to both the house and apartment building adjacent to the subject property and the application had received a very positive reception from the community.

He indicated that the property, which had been purchased in January of 2003, had been utilized as a parking lot for 15 years to service first the Manitoba Liberals and subsequently the Liberal Party of Canada.

He requested the Community Committee to give favourable consideration to waiver of the requirement for dedication given the negligible increase in the value of the property and the fact it has been used in a similar manner for the last 15 years. He indicated that there would be a positive overall effect to the area as the parking lot would be cleaned up and shrubbery added.

In reply please refer to / Référence à rappeler :

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

File No. DAZ 209/03 (DCU 94/03D; DAV 184/03D) April 17, 2003
Our c/f CP 500 (.103)

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

Dear Ms. Freeman:

REZONING
Langside, east side north of Broadway
City Centre Community Committee
File No. DAZ 209/03

An application has been received from Thompson Dorfman Sweatman (Lyndee Bothe), to amend By-Law No. 6400/94 by rezoning the land shown below from a "R2-T" Two-Family Transitional District to a "C1.5" Commercial District to allow for the maintenance of a non-accessory parking area for an existing office building at 635 Broadway, said use previously granted by DCU 157A/88 for five (5) years, (expired 9/28/93).

RELATED FILES: DCU 94/03D; DAV 184/03D



SITE DESCRIPTION:

Site Area: 3,036 square feet; 33' by 92'

Existing Land Use and Zoning: Parking lot zoned "R2-T"

Surrounding Land Use and Zoning:
North: Mixed housing zoned "R2-T"
South: Across public lane, commercial development on Broadway zoned "C1.5"
East: Across public lane, mixed housing zoned "R2-T"
West: Across Langside, mixed housing zoned "R2-T"

DEVELOPMENT DESCRIPTION:

The proposal is to legalize a parking lot for 9 cars established in 1988 under DCU 157A/88. The lot provides parking for the office building at 635 Broadway, currently the headquarters of the Liberal Party of Manitoba and Canada. The parking lot was to have been established in accordance with a plan approved under DCU 157A/88, minus 60 shrubs that were eliminated by the then District Planner. However, the ornamental parking fence along the Langside frontage is missing, and the landscaped area is in poor appearance.

PLAN WINNIPEG:

The application complies with Plan Winnipeg if it is determined that the development will not have a detrimental impact on the adjacent properties and surrounding area.

ADMINISTRATIVE COMMENTS:

The parking lot was established in 1988 as a Conditional Use. At that time, it was possible to establish commercial parking lots on the residential side of public lanes if the properties were adjacent, i.e., faced each other across the lane. The parking lot was approved for 5 years ending in 1993. The owner failed to reapply for permission to maintain the parking lot at that time. The Branch is prepared to support this application with a Zoning Agreement limiting the use of the land to a non-accessory parking lot and dwelling units. In addition, the Branch will require that the appearance of the parking lot be improved as a condition of approval of the related zoning variance application.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 209/03, 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:

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

A. non-accessory parking lot for 635 Broadway
B. dwelling units

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

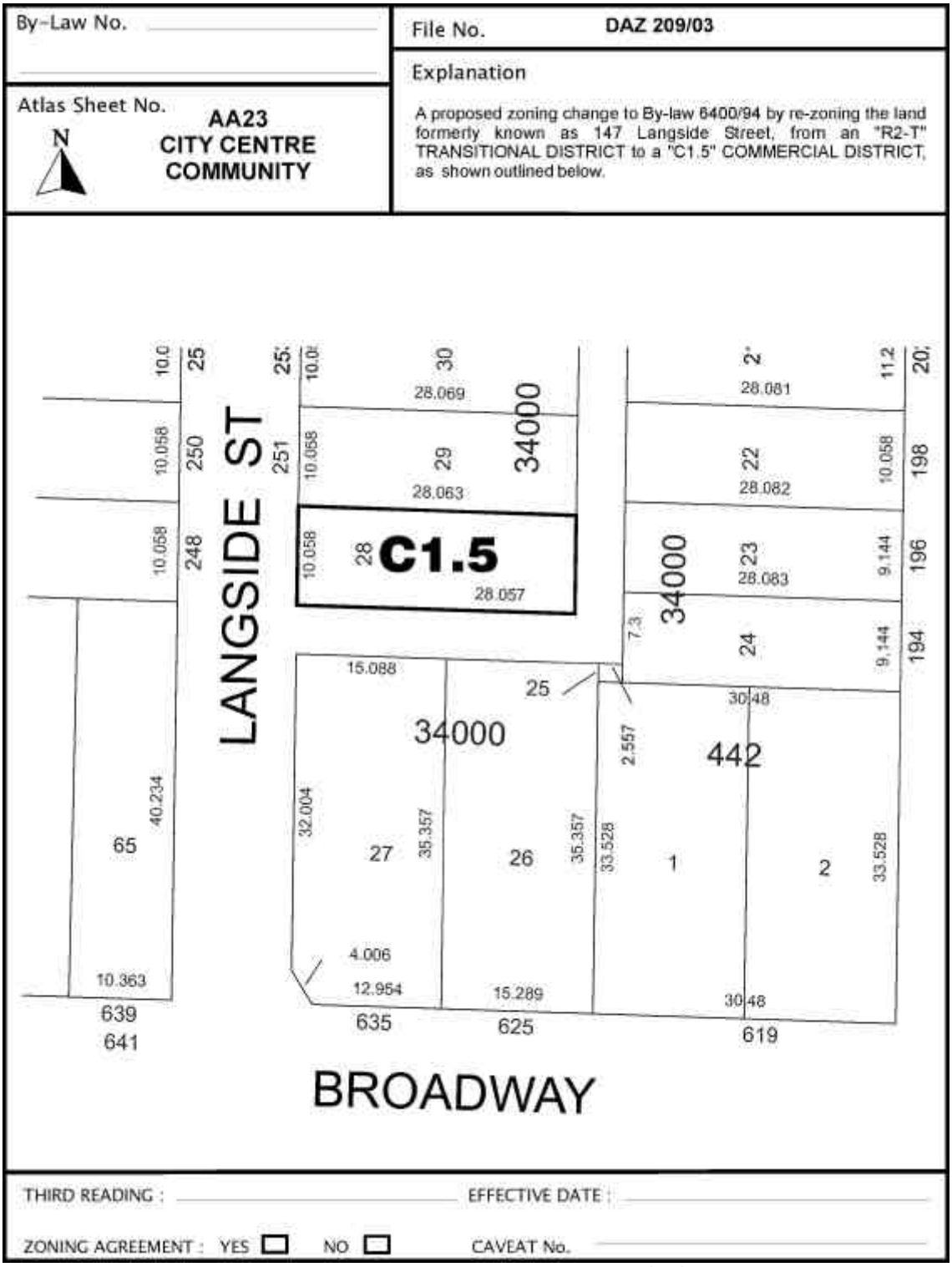


Figure 1: Schedule "A" to the report to the City Centre Community Committee for file No. DAZ 209/03, dated April 16, 2003.

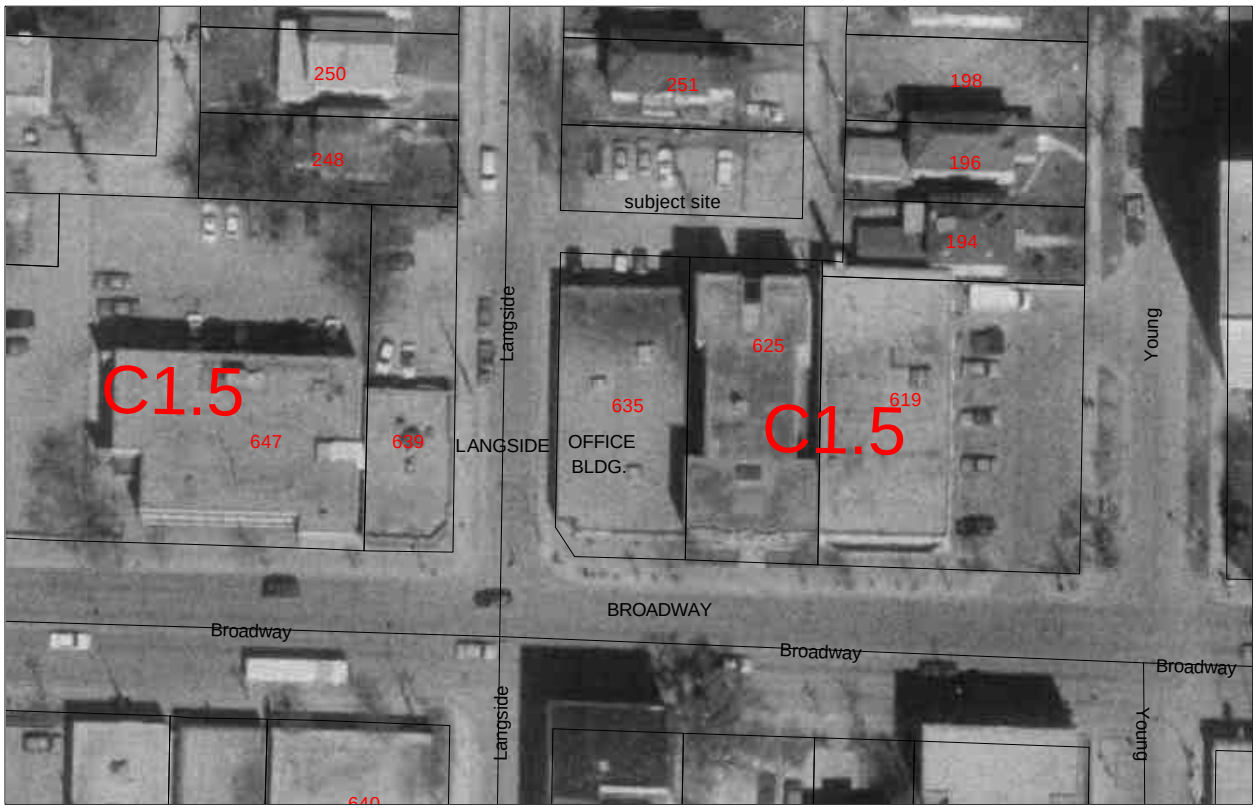


Figure 2: air photo

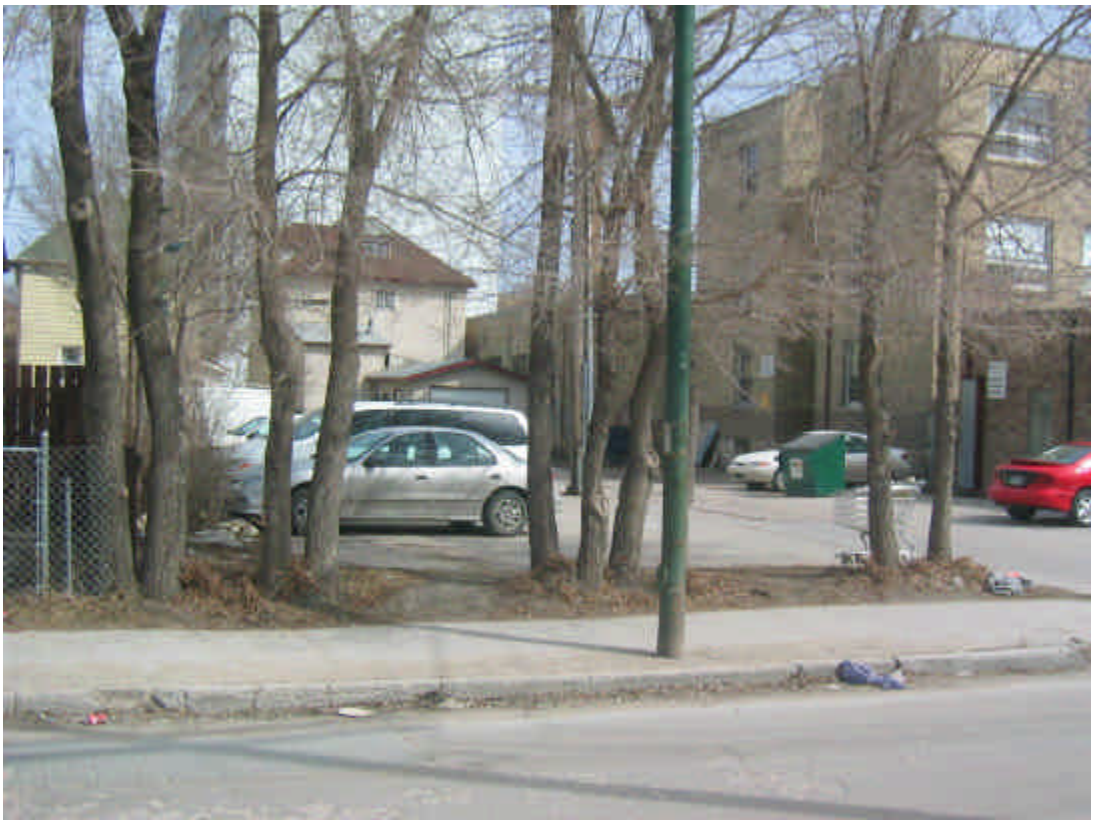


Figure 3: site photo