Minutes – Executive Policy Committee – December 4, 2013

Minute No. 49
Report – Standing Policy Committee on Property and Development – December 3, 2013

Item No. 3 Rezoning – 895 Cockburn Street South
(Fort Rouge-East Fort Garry Ward)
File DAZ 224/2013 [c/r DAV 166418/2013D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted to Council that the application for rezoning under File DAZ 224/2013 [c/r DAV 166418/2013D] be rejected.

Minutes – Executive Policy Committee – December 4, 2013

Report – Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 103, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended that the application for rezoning under File DAZ 224/2013 [c/r DAV 166418/2013D] be rejected, and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 895 Cockburn Street South**
File DAZ 224/2013

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

Prepared by: **A. Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **November 13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 2013, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 224/2013 [c/r DAV 166418/2013D] be rejected.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. It is a serious matter to not follow the rules when it comes to the riverbank.
2. There is a lot of concern from the neighbourhood.
3. It is a challenging spot for pedestrians and traffic.
4. It appears this is a contractor's establishment even though the report says that use shall not be permitted.

PUBLIC HEARING SUMMARY

File: DAZ 224/2013

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

Public Hearing: November 12, 2013
Council Building, 510 Main Street

Applicant: Wayne Sage

Subject:



Premises Affected: 895 Cockburn Street South

Exhibits Filed:

1. Application dated September 16, 2013
2. Notification of Public Hearing dated September 24, 2013
3. Manitoba Status of Title 2646305/1
4. Surveyor's Building Location Certificate and sketch dated May 28, 2013
5. Caveats 1000424, 176452
6. Report from the Urban Planning Division dated November 6, 2013
7. Inspection Report
8. Revised Report from the Planning and Land Use Division received on November 12, 2013
9. Presentation in opposition to the application submitted by Sheila Silverside at the public hearing
10. Petition in opposition to the application purporting to contain the signatures of 99 area residents, submitted by Sheila Silverside
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Wayne Sage

In Opposition:

Brian Armstrong
Kevin Galaugher
Sheila Silversides

For Information:

Simon Hughes
Ryan Murray

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit “8” referred to in File DAZ 224/2013

ADMINISTRATIVE REPORT

Title: DAZ 224/2013 – 895 Cockburn Street

Issue: For consideration at the public hearing for a rezoning for DAZ 224/2013 – 895 Cockburn Street S.

Critical Path: City Centre Community Committee 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 224/2013 dated November 12, 2013 to a “C1” commercial neighborhood district, subject to the following:

    A. That the Developer be required to enter into an Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 12, 2013.

    B. 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 the following(s).

        i. That the following uses shall not be permitted on the land:
            a. Contractor’s establishment.
            b. Restaurant
            c. Post office/carrier depot
            d. Protection and emergency services

        ii. That the site development shall occur in substantial conformance with plans submitted and attached hereto and identified as Sheet 1 for DAZ 224/13, dated October 22, 2013.

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

iv. For the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any sign permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

v. That no internally illuminated signage shall be permitted on the east or west sides of the building.

C. 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.

D. 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.

E. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

F. 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.

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

H. 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.

REASON FOR THE REPORT

- The applicant seeks approval to rezone the subject property to “C1” Commercial Neighborhood for an office space use.
- The proposal requires two (2) applications that will be heard in concurrence
  - DAZ 224/13
  - DAV 13 – 166418D
- 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 “R1-M” Residential Single Family - Medium to “C1” Commercial Neighborhood.

CONSULTATION

In preparing this Report there was consultation with:
Public Works Department

SUBMITTED BY

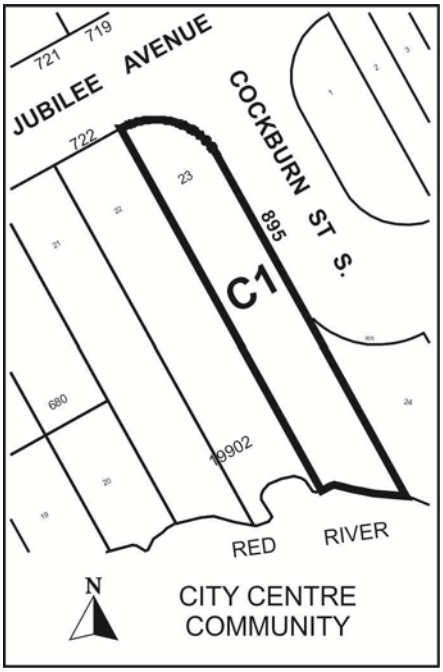
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo
Date:	*REVISED* November 12, 2013
File No.	DAZ 224/2013

APPENDIX 'A'

DATE: REVISED November 12, 2013
FILE: **DAZ 224/2013**
RELATED FILES: DAV 13-166418/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.665

SUBJECT: To rezone the subject land from an "R1-M" Residential Single-Family District to a "C1" Commercial Neighborhood District.

LOCATION: 895 Cockburn Street S
LEGAL DESCRIPTION: Lot 23 Plan 19902 16/17 5TB



APPLICANT: WAYNE SAGE
701 NIAKWA ROAD
WINNIPEG MB R2J 2N3

OWNER: WAYNE SAGE
701 NIAKWA ROAD
WINNIPEG MB R2J 2N3

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property, which is zoned "R1-M" Residential Single-Family District, is located on Cockburn Street, in the Lord Roberts neighbourhood of the Fort Rouge – East Fort Garry ward.
- The subject property is 7,850 square feet.
- Existing on the subject property is a two storey building, built in 1945, with a living area of 1,970 sq. ft.

- The subject site is within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned “R2” Residential Two-Family district.



Figure 1: Aerial photograph showing subject property (flown 2012)

North: Jubilee Avenue, then Residential Single-Family District zoned “R1-M”
South: Red River
East: Cockburn Street, then Residential Single-Family District zoned “R1-M”
West: Residential Single-Family District zoned “R1-M”

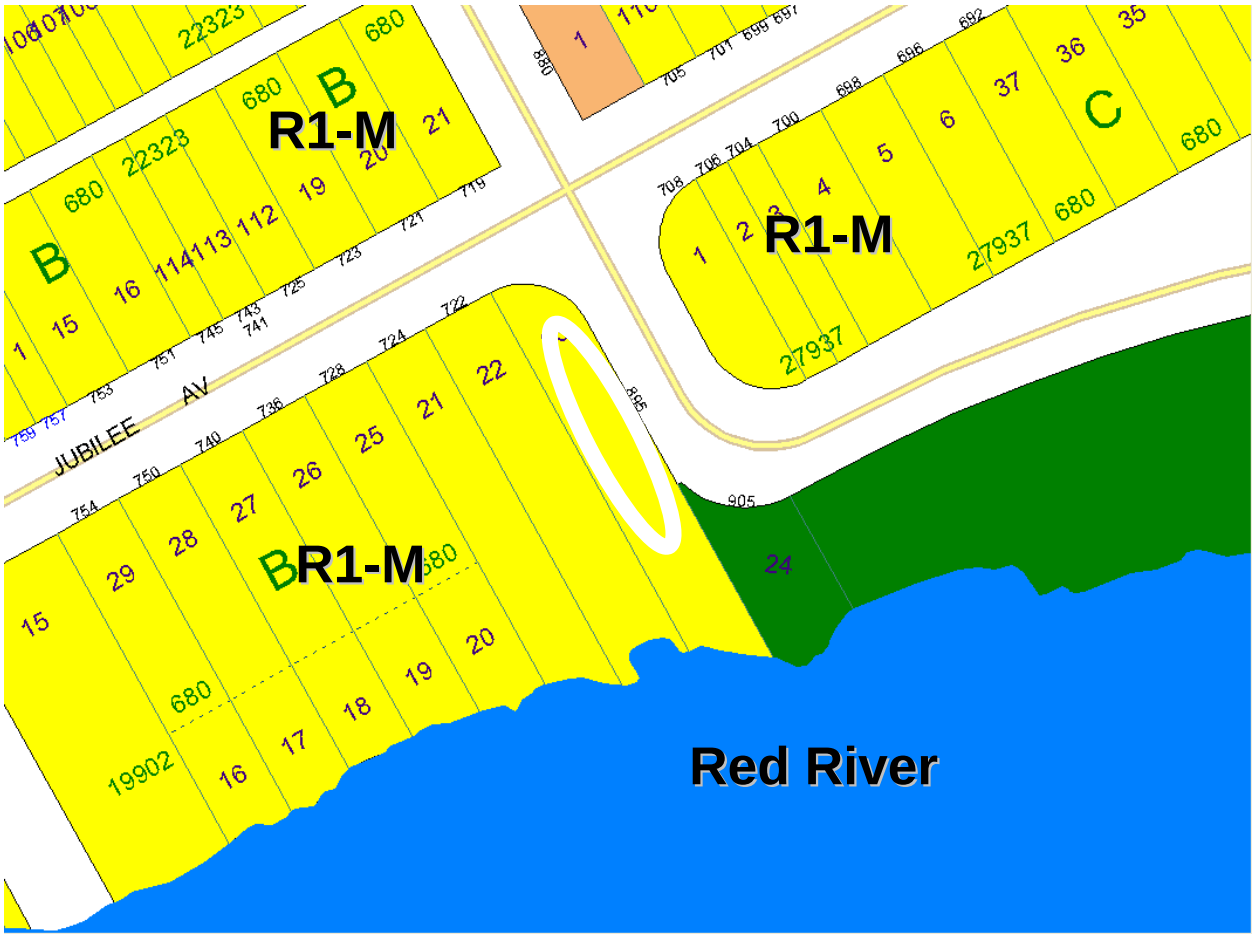


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant has been operating an office establishment on 895 Cockburn Avenue for the past three months. At this time, the applicant seeks approval to rezone the property so that he can continue to operate an office establishment from his property.

An associated variance application, (DAV 13-166418/D) has been submitted to allow a reduced west side yard adjacent to a R1 zoning district.

ANALYSIS AND ISSUE

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Support a mix of commercial services and employment uses that serve the local community.

LAND USE BY-LAW (ZONING BY-LAW 200/2006)

A. Reason for application

The proposed use is classified as retail sales, which is not permitted in the "R1-M" Residential Single-Family District. Consequently, a rezoning to "C1" Commercial District is required.

SUMMARY:

- The Winnipeg Public Service takes a very restrained approach to commercial conversions of residential properties. In general, they should only occur on corners and on regional streets. Furthermore, they should be encouraged to keep the residential structure, whenever possible, to maintain a residential character. In this instance, the subject property meets all of these criteria.

- The applicant is maintaining the footprint of the existing building which is in conformance with the existing character.

- The scale of the proposed office use is small with a total of four employees

- Consequently, the rezoning from "R1-M" Residential Multi-Family to "C1" Commercial Neighborhood, as proposed under the subject application, will not have a negative impact on existing residential properties in the neighbourhood.

- For the above stated reasons, the Urban Planning Division supports the proposed rezoning, with conditions, to ensure future compatibility with the area.

CONDITIONS FOR RECOMMENDATION:
The Winnipeg Public Service is recommending several conditions in a Zoning Agreement

1. Several uses have been listed as not permitted. These "C1" uses are deemed to be not compatible at this location.

2. The site plan submitted to the City indicates maintaining an existing residential structure with parking in the rear, landscaping, fencing, garbage enclosures, etc). This condition ensures that the site remains in this manner. For instance, if the existing building were demolished and replaced with a new structure, it would not comply with this condition.

3. In the future, if the site is redeveloped, final plans will have to be approved by City Centre Community Committee prior to the issuance of any building or development permits.

4. That the applicant shall preserve all matured trees as identified on the plan.

5. That, the applicant shall maintain the existing building as shown on the plans

6. Prior to the issuance of any exterior signage permits, signage plans will have to be approved by the Director of Planning, Property, and Development.

7. That no internally illuminated signage be permitted along the west or south sides of the building; both sides face residential properties.

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.

RECOMMENDATIONS

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed rezoning is consistent with Complete Communities
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties with the conditions set forth by the public service.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Femi Ojo
PPD File # DAZ 224/2013

APPENDIX "B"
Schedule "A" for File No. DAZ 224/2013, City Centre Community Committee, dated November 12, 2013

By–Law No. _____

File No. **DAZ 224/13**

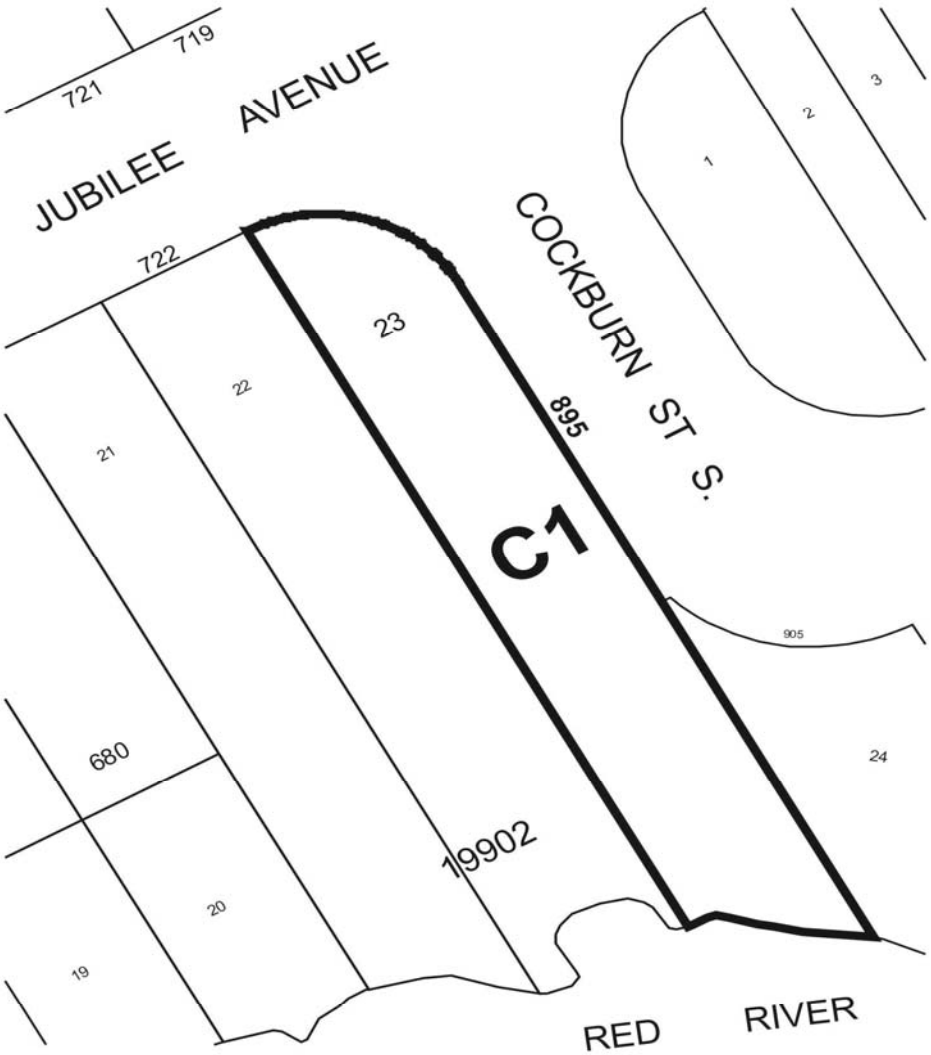
Atlas Sheet No.

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AE24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 895 Cockburn Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the establishment of an office use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 12, 2013

RE: PROPOSED REZONING OF LAND LOCATED AT 895 COCKBURN STREET SOUTH - DAZ 224/2013

It is recommended that the approval of DAZ 224/2013, if granted, be subject to the applicant entering into an Agreement addressing the following items:

1. Sidewalks

   Prior to the release of documents for registration in the Land Titles Office, the applicant shall pay its share of the cost of a sidewalk, to be installed by others, flanking the subject property. Based on 2013 local improvement rates the applicant's share of the sidewalk cost is 171.4 feet x $35/foot = $5,999 plus GST.

2. Administration Fees

   If applicable, the Developer shall pay to the City, prior to the release of documents for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of a Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 224/2013
November 12, 2013

[Original Signed by; K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.,
Land Development Branch

[Original Signed by; C.J. Desjardine, M.Sc., P.Eng.]
C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division