Minute No. 716
Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 15 **Subdivision and Rezoning - 503 Melbourne Avenue and 667 Watt Street**
File DASZ 24/2004

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 24/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2004 dated July 29, 2004, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24/2004 dated July 29, 2004, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

   A. That for the development of any building, accessory parking area 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 East Kildonan-Transcona 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.

   B. That a front yard of twenty (20) feet along Melbourne Avenue be maintained for landscaping.

   C. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

Report - Standing Policy Committee on Property and Development - October 5, 2004

COUNCIL DECISION (continued):

D. That no illuminated signage be erected on the north or east side of the building.

E. That any exterior lighting in the yards of the accessory parking area and/or buildings be shielded away from the residential properties to the north and east.

F. That there shall be no egress or ingress from Melbourne Avenue.

G. That prior to the issuance of any occupancy permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

4. 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.

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands, 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends

Report - Standing Policy Committee on Property and Development - October 5, 2004

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - 503 Melbourne Avenue and 667 Watt Street
File DASZ 24/2004 [c/r DAV 317242/2004D]

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

Prepared by: Inga Skundberg, Clerk
East Kildonan-Transcona Community Committee

Report date: September 24, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 24/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2004 dated July 29, 2004, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24/2004 dated July 29, 2004, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

   A. That for the development of any building, accessory parking area 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 East Kildonan-Transcona 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.

   B. That a front yard of twenty (20) feet along Melbourne Avenue be maintained for landscaping.

   C. That the [illegible]

D. That no illuminated signage be erected on the north or east side of the building.

E. That any exterior lighting in the yards of the accessory parking area and/or buildings be shielded away from the residential properties to the north and east.

F. That there shall be no egress or ingress from Melbourne Avenue.

G. That prior to the issuance of any occupancy permits all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage container and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

4. 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.

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands, 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

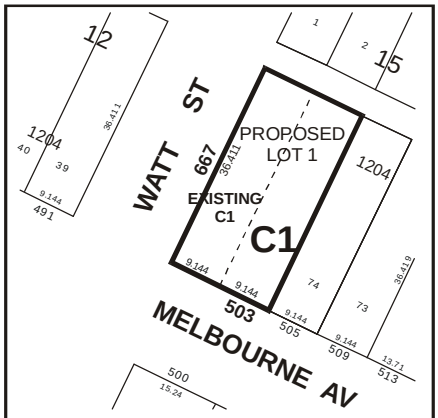
The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

PUBLIC HEARING SUMMARY

File: DASZ 24/2004 [c/r DAV 317242/2004D]

Applicant: Victor Neudorf, Key Insurance Agency Ltd.

Subject:



Premises Affected: 503 Melbourne Avenue and 667 Watt Street

Exhibits Filed:

1. Application dated July 9, 2004
2. Notification of Public Hearing dated July 15, 2004
3. Manitoba Status of Titles 1858891 and 1858896
4. Surveyor's Building Location Certificates and Sketches dated July 9, 1987 and March 12, 1998
5. Letter of authorization dated May 27, 2004 from Gary

7. Plans (2 pages)
8. Report from the Manager of Planning and Land Use dated July 29, 2004
9. Inspection Report
10. Petition in support of the application purporting to contain the signatures of 31 area residents, submitted by Victor Neudorf

REPRESENTATIONS:

In Support:

Leah Naumik
Victor Neudorf

In Opposition:

Nil

For Information:

Lori Lazaruk

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Victor Neudorf appeared in support of the application. He advised that he, together with his son and daughter, own the subject property and wish to demolish the single family dwelling at 503 Melbourne Avenue to consolidate it with the existing commercial property and use it for accessory parking. He further advised that he has consulted with the neighbours and in this connection, submitted a petition in support of the application, filed as Exhibit 10.

Exhibit "8" referred to in File DASZ 24/2004 [c/r DAV 317242/2004D]

In reply please refer to / Référence à rappeler : **John S. Wintrup**
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 24/04 July 29, 2004
Our c/f CP 500 (.407)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
503 Melbourne Avenue and 667 Watt Street
East Kildonan - Transcona Community Committee
File No. DASZ 24/04

An application has been received from Key Insurance Agency Ltd for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-4" Single Family District to a "C1" Commercial District.

RELATED FILES: DAV 04-317242/D; DEMO 04-317237D



SITE DESCRIPTION:

Site Area: The site area is 333.115 square metres (3,585 square feet).

Existing Land Use and Zoning: Single family dwelling zoned "R1-4" Single Family District.

Surrounding Land Use and Zoning:

North: Across public lane, Single Family dwellings zoned "R1-4".
South: Across Melbourne Avenue, Single Family dwellings zoned "R1-4".
East: Single Family dwellings zoned "R1-4".
West: Commercial Building zoned "C1".

DEVELOPMENT DESCRIPTION:

The applicant intends to demolish the existing single family dwelling at 503 Melbourne. The applicant intends to consolidate the residential property with the existing commercial property to the west at 667 Watt Street. The residential property will be rezoned and used as accessory parking.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division is recommending approval of the subject application. The existing commercial lot along Watt Avenue is 9.1 metres (30 feet) in distance along Melbourne Avenue. The residential lot is also 9.1 metres (30 feet) in width. Commercial properties fronting Watt street to the north are 28 metres (90 feet) in distance along the adjacent residential street. Fencing and landscaping can be used to mitigate any impacts on the adjacent residential dwellings.

Design standards for the proposed parking area have been outlined and attached as conditions of approval for the variance. The Division is recommending that the existing front yard of 20 feet be retained for landscaping to be consistent with the adjacent properties. The Division is also

A "C1" Commercial District is intended to provide for local commercial uses typically found within neighbourhoods. These land-uses tend to cater to the local residents, and are usually scattered throughout Winnipeg's older neighbourhoods. The "C1" is the most restrictive commercial zoning category in limiting the number of uses. There are 41 Permitted Uses and 20 Conditional Uses in the "C1" Commercial District. There is a front yard requirement of 20 feet and a maximum building height of 30 feet. All permitted and conditional uses listed in the Zoning By-law would be compatible with the residential neighbourhood.

RECOMMENDATION:

A. That the plan of subdivision proposed under File No. DASZ 24/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 24/04, attached hereto and dated July 29, 2004, for registration in the Winnipeg Land Titles Office.

B. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

C. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 24/04, attached hereto and dated July 29, 2004 to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter Act, to include the following conditions:

1. That, for the development of any building, accessory parking area 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 East Kildonan - Transcona 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 front yard of 20 feet along Melbourne Avenue be maintained for landscaping;

3. That, there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening

5. That, any exterior lighting in the yards of the accessory parking area and/or buildings be shielded away from the residential properties to the north and east;

6. That, there shall be no egress or ingress from Melbourne Avenue;

7. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

D. 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.

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

F. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

G. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

H. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

I. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By-Law No. _____

File No. **DASZ 24/04**

Atlas Sheet No. **W28**

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 503 Melbourne Avenue from an "R1-4" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____



Figure 2: Air Photo of subject property and Surrounding Context

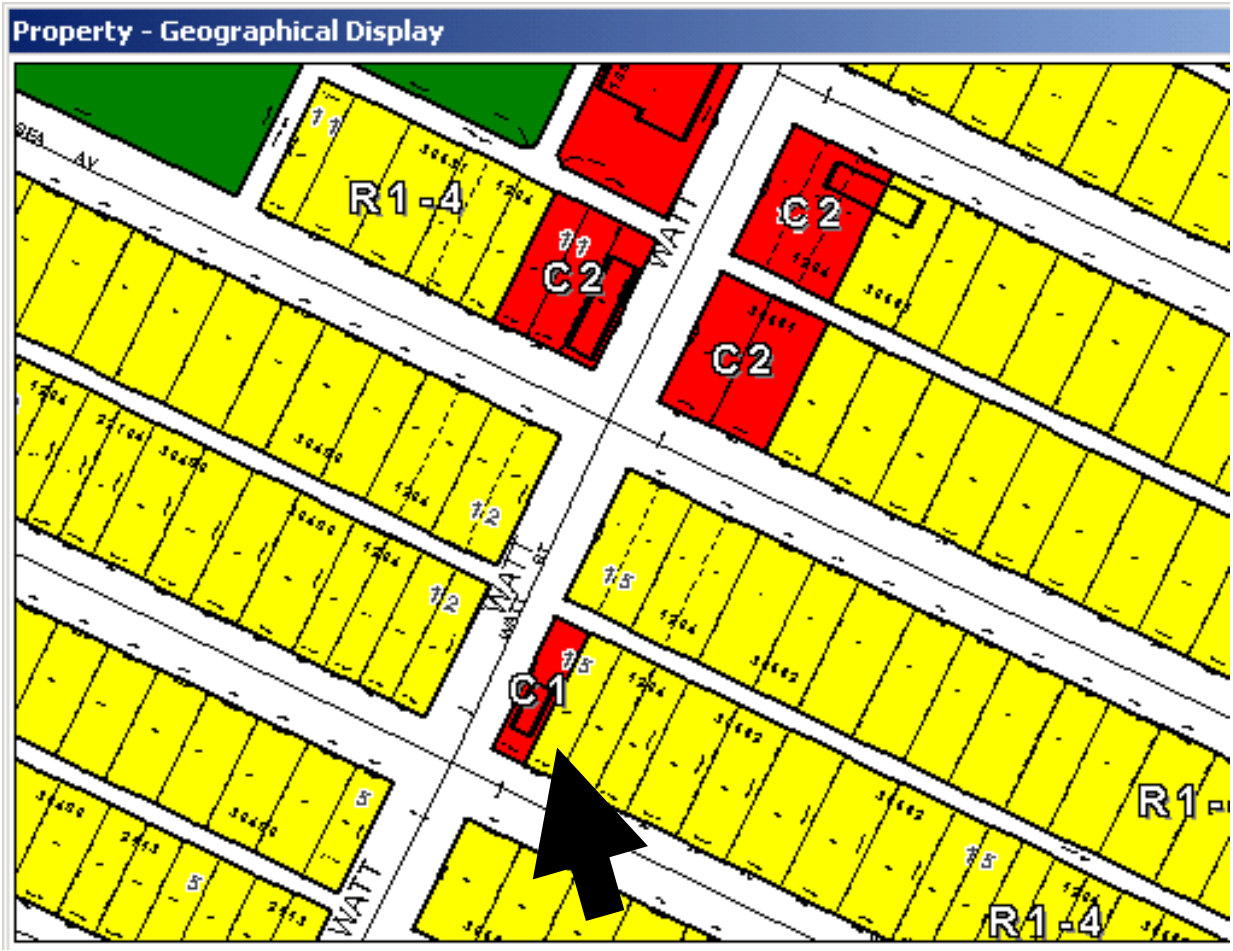


Figure 3: Zoning Map of subject property and Surrounding Context



Figure 4: Photograph of subject property looking north east.