Agenda - Council - September 24, 2003

Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 16 Rezoning - 1452 Logan Avenue
File DAZ 218/2003 [c/r DAV 314441/2003D]

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee (as amended), and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 218/2003 dated July 14, 2003, to a "C2" Commercial District.

2. That the applicant be required to 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:

   A. That the "C2" use of the property be limited to "Wood Products, Manufacture (cabinet shop)" only.

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.

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6. 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 Title 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 unless an application is made to extend the time allowed prior to the expiration of the twenty-four (24) month period and subsequently approved by Council.

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

8. 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.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee (as amended), and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- Add the following as Recommendation 6:

  "6. 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 Title 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 unless an application is made to extend the time allowed prior to the expiration of the twenty-four (24) month period and subsequently approved by Council."

- Renumber the remaining Recommendations accordingly,

and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation as amended, namely:

- Add the following new recommendation 2:

  "2. That the applicant be required to 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:

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY (continued):

A. That the "C2" use of the property be limited to "Wood Products, Manufacture (cabinet shop)" only".

- Renumber the remaining recommendations accordingly,

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

RE:	**Zoning Change – 1452 Logan Avenue - File DAZ 218/2003 [c/r DAV 314441/2003D]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**July 28, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 218/2003, dated July 14, 2003, to a "C2" Commercial District.

2. That the applicant be required to 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:

   A. That the "C2" use of the property be limited to "Wood Products, Manufacture (cabinet shop)" only.

3. That a ten per cent (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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendation:

1. That the Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Acting Manager of Planning and Land Use.

2. The limited "C2" use of the property will address the concerns raised by the person registered in opposition.

PUBLIC HEARING SUMMARY

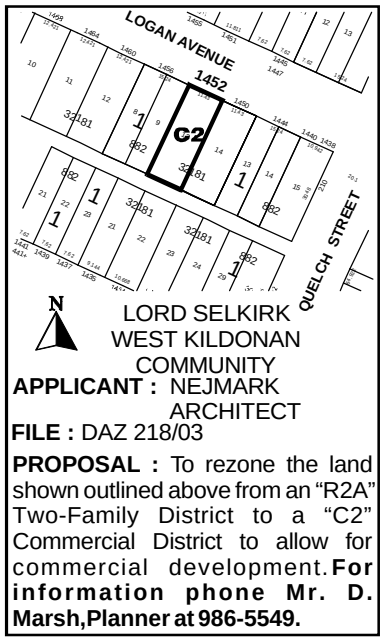
File: DAZ 218/2003 [c/r DAV 314441/2003D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko

Public Hearing: July 22, 2003
Community Committee Chamber, 1760 Main Street

Applicant: Nejmark Architects (Pedro Chagas)
2 - 54 Adelaide Street
Winnipeg, Manitoba
R3A 0V7

Subject:



Premises Affected: 1452 Logan Avenue

Exhibits Filed: 1. Application dated May 16, 2003

2. Advertising Notice dated June 3, 2003
3. Manitoba Status of Title 1930045
4. Letter of authorization dated May 15, 2003
5. Partial Site Plan
6. Report from the Acting Manager of Planning and Land Use dated July 14, 2003
7. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Joe Bruni, 322 Thompson Drive, Winnipeg, Manitoba R3J 3E4
Pedro Chagas, Nejmark Architects, 2 – 54 Adelaide Street, Winnipeg, Manitoba R3N 0V7

In Opposition:

Joe Banfield, on behalf of 66909 Manitoba Ltd., c/o 276 A Colony Street, Winnipeg, Manitoba R3C 1W3

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Pedro Chagas, on behalf of Nejmark Architects, appeared in support of the application. He was accompanied by Joe Bruni, the owner of the property in question. Committee was advised the subject property is presently vacant and is to be developed for Mr. Bruni's own business. Mr. Bruni proposes to construct a 2,275 sq. ft. building on the property to be used as his cabinetry workshop. Mr. Chagas indicated concurrence in the recommendations outlined in the report of the Acting Manager of Planning and Land Use.

Joe Banfield, on behalf of 66909 Manitoba Ltd., appeared in opposition to the application. Committee was advised Mr. Banfield owns the apartment block next to the subject property and was concerned with the proposed "C2" zoning classification applied for which was necessary to allow Mr. Bruni to establish his business. He stated that although he was not opposed to the development or the proposed use of the subject property, he was opposed to the outright "C2"

zoning of the property inasmuch as some of the “C2” uses that would be permitted with the zoning change could adversely affect his property. In this connection, Mr. Banfield indicated he would be willing to work with the applicant, the owner of the subject property and the City to discuss “C2” uses he might be willing to support.

In rebuttal, Mr. Chagas advised Committee that he and Mr. Bruni were willing to meet informally with Mr. Banfield to discuss issues raised by him and an informal meeting was subsequently held.

Following the informal meeting, Mr. Chagas advised Committee that Mr. Bruni and Mr. Banfield had reached a concensus and had mutually agreed to have specific “C2” uses prohibited. Mr. Chagas also stated that in an effort to address concerns that were raised at the informal meeting, Mr. Bruni had agreed to meet certain requests made by Mr. Banfield, as same specifically related to the accompanying variance application.

While Mr. Banfield was reciting the list of prohibited “C2” uses that had been mutually agreed to, the Planner suggested it may be more efficient to simply limit the “C2” use of the property to a “wood products, manufacture (cabinet shop)”, assuming the applicant and owner were in agreement. Mr. Chagas and Mr. Bruni confirmed they were agreeable to such a proposal.

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 218/03 July 14th, 2003
Our c/f CP 300 (.114)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
1452 Logan Ave.
Lord Selkirk – West Kildonan Community Committee
File No. DAZ 218/03

An application has been received from Nejmark Architects, to amend By-Law No. 6400/94 by rezoning the land shown below from a "R2A" Residential District to a "C-2" Commercial District to allow for the establishment of a cabinet shop, and other potential commercial users.

RELATED FILES: DAV 314441/03D



SITE DESCRIPTION:

Site Area:

The total overall site area of the subject property is approximately 3,750 square feet (0.09 acres).

Existing Land Use and Zoning:

The property in question is currently zoned R2A Residential, and is a vacant lot at present.

Surrounding Land Use and Zoning:

North: Logan Avenue, then single family residences (R2A) and commercial uses (C-1).
South: Residential Lane, then single family residences (R2A)
East: Commercial uses (C1.5 & C2), an apartment block (C-1), Quelch Street, then Weston School
West: An apartment block (R2A), then single family residences (R2A)

DEVELOPMENT DESCRIPTION:

The applicant, Nejmark Architects, proposes to rezone the property in question to "C2" to permit the establishment of a cabinet shop. Cabinet shops are defined as a "Wood products, manufacture" use under the zoning by-law, and are a permitted use in a C2 district. Cabinet shops are also permitted in a C1.5 commercial district with a conditional use permit.

The proposed cabinet shop is to be located within a new 2,275 square foot building to be constructed on-site. The applicant also proposes a reduced side yard of 5' instead of the required 10', an accessory parking area with access from a land instead of an aisle, and a loading space length of 25' instead of the required 33' (see related variance DAV 314441/03D).

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for the processing of residential and commercial rezoning applications; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The proposed zoning designation of "C2" Commercial and the proposed use is compatible with the adjacent commercial properties. While the site is across a rear lane from existing single family residences, and adjacent to an existing apartment block, it is highly unlikely that the site will be developed for residential uses in the future, owing to it's location on a busy major collector or arterial street (Logan Ave.). The Planning & Land Use Division has no issues with the proposed rezoning.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 218/03, attached hereto and dated July 14th, 2003, to a "C2" Commercial District.

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 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.

IV. 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.

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

VI. 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.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: David Marsh , AICP,
Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DAZ 218/03**

Atlas Sheet No. **X21**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

Aproposed zoning change to By-Law 6400/94 by rezoning the land located at 1452 Logan Avenue from an R2A Two-Family District to a "C2" Commercial District as shown outlined above.



Schedule "A" for File No. DAZ 218/03, LS/WK Community, dated July 14/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____