Minute No. 384
Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 11 DAZ 209/2015 (526 College Ave) – Correction of an Error in Winnipeg Zoning By-law No. 200/2006 (Mynarski Ward)

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended to correct an error in the zoning maps as follows:

   A. That the subject property be rezoned as a "C2" Commercial Community District.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following to the end of Recommendation 1:

  "as follows:

  A. That the subject property be rezoned as a "C2" Commercial Community District."

and forwarded the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **DAZ 209/2015 (526 College Ave) – Correction of an Error in Winnipeg Zoning By-law No. 200/2006**

Issue: To amend Winnipeg Zoning By-law No. 200/2006 to correct an error (zoning of land located at 526 College Avenue in the Lord Selkirk-West Kildonan Community).

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	n/a	M. Jack A/COO

RECOMMENDATIONS

1) That Winnipeg Zoning By-law No. 200/2006 be amended to correct an error in the zoning maps.
2) That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

To restore the zoning rights on the subject property as they existed prior to the adoption of Winnipeg Zoning By-law 200/2006. During the zoning map conversion process for the Winnipeg Zoning By-law Review, the zoning of the property located at 526 College Avenue was converted to a “C1” Commercial Neighbourhood District in error. If the recommendation of the Public Service is concurred with, Winnipeg Zoning By-law will be amended to rezone the subject property as a “C2” Commercial Community District.

Authority to make final decisions regarding by-laws rests with Council.

IMPLICATIONS OF THE RECOMMENDATIONS

N/A

DISCUSSION

- On October 24, 2001, the subject property was rezoned as a “C2” Commercial Community District under By-law No. 7905/2001.
- Passage of the Winnipeg Zoning By-law No. 200/2006 caused the subject property at 526 College Avenue to be rezoned as a “C1” Commercial Neighbourhood District in error. The “C1” zoning district does not fully reflect the development rights that existed for the subject property when the Winnipeg Zoning By-law came into force and effect on March 1, 2008, at which time, there existed no established criteria for downzoning properties zoned “C2” to“C1”.
- This error can be corrected by amending the Winnipeg Zoning By-law to rezone the subject property as a “C2” Commercial Community District.
- Under Section 276 of the City of Winnipeg Charter, Council may amend a zoning by-law without a public hearing if the amendment corrects an error or omission and does not prejudice the rights of any person.
- The subject property is governed by a Zoning Agreement that restricts development of the subject property to specific uses (DAZ 219/2001). The proposed amendment to the Winnipeg Zoning By-law will have no effect on the existing Zoning Agreement.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 9, 2015

Project Name:

DAZ 209/2015 (526 College Ave) – Correction of Errors and Omissions in Winnipeg Zoning By-law No. 200/2006

COMMENTS:

There are no direct financial implications associated with the recommendations in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation

- Legal Services

External Consultation

NA

SUBMITTED BY

Department	Planning, Property & Development
Division	Urban Planning
Prepared by:	Noah Yauk MCIP, District Planner – LSWK Community
Date:	April 21, 2015
File No.	DAZ 209/2015

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