Minutes - Executive Policy Committee - October 15, 2003

Minute No. 411
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 7 Rezoning - 585 London Street
File DAZ 222/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 submits the following to Council:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 222/2003 dated September 8, 2000, to a "C-1" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That the use of the land be restricted to Office uses.

        ii. That client hours be restricted to 8:00 a.m. to 9:00 p.m., Monday to Saturday.

        iii. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area, and that signs be installed indicating this restriction.

        iv. That signage be restricted to a maximum of twenty-five (25) square feet.

        v. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Community Committee.

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.

Report - Standing Policy Committee on Property and Development - September 30, 2003

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 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 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.

Minutes - Executive Policy Committee - October 15, 2003

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Executive Policy Committee and Council.

COMNMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, 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: **Rezoning – 585 London Street**
File DAZ 222/2003

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

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

Report date: **September 22, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

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 Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 222/2003 dated September 8, 2000, to a "C-1" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That the use of the land be restricted to Office uses.
        ii. That client hours be restricted to 8:00 a.m. to 9:00 p.m., Monday to Saturday.
        iii. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area, and that signs be installed indicating this restriction;
        iv. That signage be restricted to a maximum of twenty-five (25) square feet.
        v. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Community Committee.

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

1. The existing business has provided its worth in the community.

2. It is appropriate for the business to have a residence on site.

PUBLIC HEARING SUMMARY

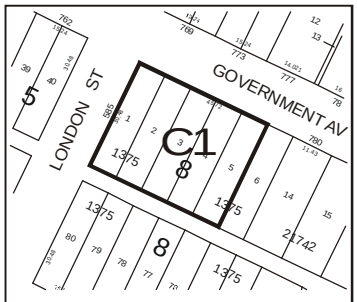
File: DAZ 222/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: September 16, 2003
Community Committee Chamber
755 Henderson Highway

Applicant: 3722091 Manitoba Ltd. (Kees Bastiaans)
267 Gateway Road
Winnipeg, MB R2C 1T6

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : 3722091 MANITOBA LTD.
FILE : DAZ 222/03
PROPOSAL : To rezone the land shown outlined above from an "R1-5" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT to allow for the maintenance of a business office and the establishment of a dwelling unit for an employee. **For information, phone Mr. M. Grady, Planner at 986-6427.**

Premises Affected: 585 London Street

Exhibits Filed:
1. Application dated June 25, 2003
2. Notification of Public Hearing to Applicant dated June 27, 2003
3. Manitoba Status of Titles 1583866, 1583871

4. Surveyor's Building Location Certificate and Sketch dated September 30, 1997
5. Letter of Authorization dated June 16, 2003, from Lynn Haworth, Director, 3722091 Manitoba Ltd. to Cornelis Kees Bastiaans
6. Extract of Atlas Sheet X29
7. Site Plan
8. Report from the Manager of Planning and Land Use dated September 8, 2003
9. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Kees Bastiaans, 3722091 Manitoba Ltd.
Bill and Chris Bevan
Denis and Donna Gentes
Doug Haworth
Leanne Haworth
Lynn Haworth
Elaine Madison
Wendell Olojan

In Opposition:

Nil

For the City:

Martin Grady, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Kees Bastiaans, 3722091 Manitoba Ltd., appeared in support of the application. He advised that a portion of the property will be converted to allow a dwelling unit on the premises, of which his sister-in-law will be residing in.

Councillor Thomas commented that the business has fit well in the community and advised that she has heard many compliments about it.

Lynn Haworth appeared in support of the application, and advised that she is the owner of the building. She indicated that the business has been operating for approximately five years and during that time, money has been invested to improve the building. She further indicated that she has developed many friendships with her neighbors. She commented it will be an asset to the community with her residing in the building, as opposed to the building being deserted after office hours.

Bill Bevan appeared in support of the application and advised that the subject application, including a dwelling unit, is preferable to a completely commercial building.

Wendell Olojan appeared in support of the application. She advised that she resides in the house adjacent to the subject building and is very happy to have them as neighbors.

Donna Gentes appeared in support of the application, and advised that she has a business at 755 Moncton Avenue. She further advised that the subject business has supported her business, and that she is happy to have them in the neighborhood.

Exhibit “8” referred to in File DAZ 222/2003

In reply please refer to / Référence à rappeler :

Martin Grady
(204) 986-6427
Fax / Téléc. : (204) 986-3684

File No. DAZ 222 /03
Our c/f CP 500 (.423)

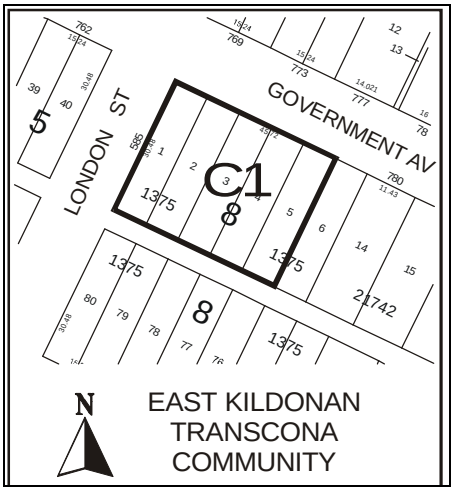
September 8, 2003

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

REZONING
585 London Street, East Side of London Street, South of Government Avenue
East Kildonan – Transcona Community Committee
File No. DAZ 222/03

An application has been received from 3722091 Manitoba Ltd, (Kees Bastiaans), to amend By-Law No. 6400/94 by rezoning the land shown below from an “R1-5” Residential District to a “C1” Commercial District to allow for the maintenance of a Business Office and a Dwelling Unit for an employee.

RELATED FILES: DAZ 201/98 and DAV 904/97D



SITE DESCRIPTION:

Site Area:

1392 sq. m. (14983 sq. ft.)

Existing Land Use and Zoning:

The subject property is zoned "R1-5" Residential District and is currently used for an office providing personal financial services.

Surrounding Land Use and Zoning:

North: Single family dwelling zoned "R1-5".
South: Single family dwelling zoned "R1-5".
East: Single family dwelling zoned "R1-5".
West: Adjacent across London Street is a single family residential dwelling and southwest is a commercial use (hair stylist) zoned "C1" Commercial District.

DEVELOPMENT DESCRIPTION:

The proposed rezoning is to allow for the maintenance of an existing office use in association with a dwelling unit for an employee of the business office. The predominant business is an accounting office employing 6 persons. The other business is a small computer consulting business, with a maximum of 3 employees, servicing mainly employees and clients of the accounting office.

PLAN WINNIPEG:

The proposed rezoning is in compliance with the policies of Plan Winnipeg which encourage the development of vibrant neighbourhoods through the establishment of compatible low intensity commercial uses mixed with residential uses.

ADMINISTRATIVE COMMENTS:

Background

The applicants have previously applied to rezone the subject site to a "C-1" Commercial use in 1998. At that time, the property was in use as a vocational training facility for approximately 60 persons with mental disabilities. While a school operating in a residential district is not unusual, this particular use had created some disruption in the neighbourhood.

The applicants suggested that the proposed office uses, operating under appropriate conditions, would create less of a disruption to the surrounding area.

On February 17, 1998, the East Kildonan – Transcona Community Committee conducted a hearing to consider the proposed rezoning and recommended that the proposal not proceed for the following reasons:

1. There are concerns the proposed rezoning could have a negative impact on the residential neighbourhood.
2. Approval of a five year use variance will provide the applicant with an opportunity to operate the businesses, and, if at the end of that time, there are no negative impacts or concerns, the applicant can re-apply for the requested rezoning.

Council adopted the recommendation in April, 1998 and the applicant subsequently applied for the use variance for a five year period.

That five year period has now ended resulting in this application for a commercial rezoning.

Comments

The department is not aware of any complaints from area residents respecting the office use during the five year variance period and staff are of the opinion that the continuation of limited commercial development on this site will not have an adverse effect on the surrounding area. In addition, by limiting the use of the building to "Office Only" under a zoning agreement any other type of "C1" commercial use could not be established without a further public hearing at Community Committee.

Site signage, parking and hours of operation have been controlled and limited through application of conditions associated with the previous variance order and these should continue to be limited to reflect the residential nature of the area through the zoning agreement.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 222/03, attached hereto and dated, September 8, 2000, to a "C-1"Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:
      1. That the use of the land be restricted to Office uses;
      2. That client hours be restricted to 8 a.m. to 9 p.m. Monday to Saturday;
      3. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area, and that signs be installed indicating this restriction;

      4.That signage be restricted to a maximum of 25 square feet;

5. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Community Committee.

II. That a 10 percent 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 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 Act.

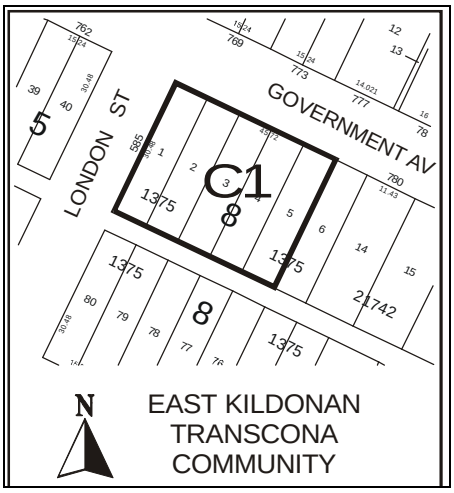
Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Martin Grady, Senior Planner



Schedule “A” September 8, 2003: Proposed rezoning – 585 London Street



Air Photo – 585 London Street