Agenda - Council - October 22, 2003

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

Item No. 5 Subdivision and Rezoning - 674 and 680 Selkirk Avenue
File DASZ 20/2003 [c/r DCU 309933/2003D]

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development , and submits to Council that the subdivision and rezoning under File DASZ 20/2003 not be proceeded with.

Agenda - Executive Policy Committee - October 22, 2003

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, 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 September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the subdivision and rezoning under File DASZ 20/2003 not be proceeded with.

RE:	**Subdivision and Rezoning - 674 and 680 Selkirk Avenue File DASZ 20/2003 [c/r DCU 309933/2003D]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**September 23, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the subdivision and rezoning under File DASZ 20/2003 not be proceeded with.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee did not agree with the administrative comments contained in the report of the Manager of Planning and Land Use dated September 8, 2003 inasmuch as it is of the opinion that Selkirk Avenue is not yet ready for an application of this nature.

2. The aesthetics of Selkirk Avenue have changed over the last few years due to ongoing efforts to revitalize the neighbourhood. Approval of this application at this time would have a deleterious effect on the residential component of the area.

3. This application hinges on the threshold of confusion for those who have businesses and those who reside in the area. Any future application for a commercial designation of the subject property should not be submitted until such time as there has been consultation with the area residents.

PUBLIC HEARING SUMMARY

File: DASZ 20/2003 [c/r DCU 309933/2003D]

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

Public Hearing: July 22, 2003
Adjourned to: September 16, 2003
Community Committee Chamber, 1760 Main Street

Applicant: Baljinder Chahal and Gurdial Singh

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : MR.B. CHAHAL &
MR. G.SINGH

FILE : DASZ 20/2003

PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-Law 6400/94 by rezoning the land shown outlined above from an "RM-7" MULTIPLE FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT to allow for commercial development and to withdraw the existing Zoning Agreement affecting the subject land. **For information, phone Mr. D. Marsh,Planner at 986-5549.**

Premises Affected:	674 and 680 Selkirk Avenue

Exhibits Filed:

1. Application dated May 23, 2003
2. Advertising notice dated June 23, 2003
3. Manitoba Status of Titles 1055351, 1057242 and 1077707
4. Manitoba Certificate of Title A 35767
5. Letter of Authorization dated April 14, 2003
6. Site Plan
7. Report from the Acting Manager of Planning and Land Use dated July 14, 2003
8. Photograph(s) of the site and Inspection Notice
9. Communication dated September 3, 2003 from the William Whyte Residents Association in opposition to the application
10. Supplementary report from the Manager of Planning and Land Use dated September 8, 2003
11. Petition in support of the application purporting to contain the signatures of thirty-seven (37) area residents, submitted by Gurial Singh at the adjourned public hearing on September 16, 2003
12. Communication dated August 25, 2003 from the Selkirk Avenue Business Improvement Zone, in support of the application, submitted by Gurial Singh at the adjourned public hearing on September 16, 2003
13. Presentation made by Gerald Abbott at the adjourned public hearing on September 16, 2003, together with petition in opposition to the application purporting to contain the signatures of seven (7) area residents
14. Presentation made by Bob Wilson at the adjourned public hearing on September 16, 2003, in opposition to the application
15. Presentation made by Annette Champion-Taylor, on behalf of the William Whyte Residents Association, at the adjourned public hearing on September 16, 2003, in opposition to the application

REPRESENTATIONS:

In Support:

Baljinder Chahal
Gurdeep Chahal
Akash Bedi
Balden Bedi
William Karabin
Kulwinder J. Sidhu
Baljinder Singh
Gurial Singh
Sylvia Todaschuk, on behalf of the Selkirk Avenue Business Improvement Zone

In Opposition:

Gerald Abbott
Annette Champion-Taylor, on behalf of the William Whyte Residents Association
Althea Genaille
Ken Pickering
Bob Wilson

For Information:

Barry Carpenter

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

At the public hearing on July 22, 2003, Gurdeep Chahal and Gurial Singh appeared in support of the proposed subdivision and rezoning of the subject property. Mr. Chahal advised Committee he was assisting the potential owners of the subject property with respect to the rezoning and conditional use applications. He indicated the "C1.5" commercial zoning designation was necessary to accommodate the establishment of an automobile sales business, which has been applied for pursuant to File DCU 309933/2003D, and is being considered concurrently.

Mr. Chahal stated he had no concerns with the recommendations outlined in the report of the Acting Manager of Planning and Land Use, but indicated that given the negative recommendation contained in the administrative report for the accompanying conditional use application, the potential owners of the subject property would not proceed with the proposed rezoning of the property if they did not receive approval for the automobile sales use. Thereafter, considerable discussion ensued with respect to the accompanying conditional use application.

Councillor Lazarenko suggested that in view of the negative recommendation for the accompanying conditional use application and the listing of properties having chain link fences six feet (6') high or more submitted by Gurial Singh, that it may be prudent to adjourn this and the related conditional use application for two months to give the Administration and the interested parties additional time to meet and discuss issues raised. Concern was expressed by Mr. Chahal in this connection given that the potential owners of the subject property had already been granted two extensions of time to exercise the options to purchase the subject land.

William Karabra, also appearing in support of the application, advised Committee that he was involved in the sale negotiations for the subject property, and echoed the concerns raised by Mr. Chahal relative to having the subject applications adjourned to September 16th.

At the adjourned public hearing on September 16, 2003, Gurdeep Chahal and Gurial Singh appeared in support of the proposed subdivision and rezoning of the subject property. Mr. Chahal stated that in accordance with Committee's request of July 22, 2003, the applicant met with the Planner, David Marsh, to discuss the application in greater detail. Committee was advised that the position of the applicant remains the same as stated during the initial public hearing. Mr. Chahal further stated the applicant would not be able to receive any further extensions on the option to purchase the subject property. Gurial Singh submitted a petition purporting to contain the signatures of thirty-seven (37) signatures of area residents and businesses in support of an auto dealership in the neighbourhood and the erection of a six foot (6') high chain link fence around the subject property, filed as Exhibit "11". Gurial Singh also submitted a letter of support dated August 25, 2003 from the Selkirk Avenue Business Improvement Zone, filed as Exhibit "12". Mr. Chahal reminded Committee of the fact that the Administration is recommending approval of the subdivision and rezoning application which conforms with Plan Winnipeg.

At the request of the Committee, the Planner gave an overview of the supplementary administrative report submitted in this matter (Exhibit "10"). Mr. Marsh reiterated that the recommendation of the Planning, Property and Development remains unchanged and that the applicant and the administration would both like to see a resolution to this matter. Committee was requested to forward its recommendation to the Standing Policy Committee on Property and Development and to not consider any further adjournments of the application.

Balden Bedi, also appeared in support of the application, and advised Committee that he did not believe leaving the subject property vacant would be a positive thing for the neighbourhood and

was of the view the development proposed by the applicant would be an enhancement to the area.

Gerald Abbott, appearing in opposition to the application, read into the record his presentation and submitted the petition purporting to contain the signatures of seven (7) area residents in opposition to the application, filed as Exhibit "13". Committee was advised by Mr. Abott that he resides near the subject property, but only became aware of this application when someone, on behalf of the applicant, came to his door soliciting his support for the proposed chain link fence proposed to be erected on the subject property if the conditional use application is approved.

Bob Wilson, also appearing in opposition to the application, read into the record his presentation, filed as Exhibit "14".

Annette Champion-Taylor, on behalf of the William Whyte Residents Association, also appeared in opposition to the application, accompanied by Althea Genaille and Ken Pickering. She read into the record her presentation, filed as Exhibit "15". Mrs. Champion-Taylor drew Committee's attention to the fact that although she was not originally opposed to the rezoning of the subject property, she is now opposed to both the subdivision and rezoning of the property, as well as the accompanying conditional use application. Mrs. Champion-Taylor stated the belief that the time is not right for the commercial designation of the subject property, particularly without input or consultation with the William Whyte Residents Association and the area residents. She noted that the William Whyte Residents Association is primarily concerned with what is the best for the neighbourhood, even if that means leaving the subject property vacant at this time.

In rebuttal, Gurdeep Chahal stated the proposed development would enhance the area, and did not believe it would be better to leave the land vacant.

Exhibit "7" for File DASZ 20/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 20/03 July 14th, 2003
Our c/f CP 300 (.302)

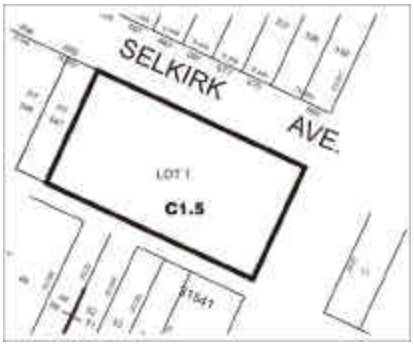
Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

SUBDIVISION AND REZONING
Subdivision of 674 & 680 Selkirk Ave., and Rezoning of 674 Selkirk Ave.
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 20/03

An application has been received from Balinder Chahal and Gurial Singh, on behalf of The Reading Associates Prosvita, for approval of: 1) a plan of subdivision for 674 & 680 Selkirk Ave.; 2) related zoning change to Zoning By-Law No. 6400/94 by rezoning 674 Selkirk Ave. from an "RM-7" Multiple Family Residential District to a "C1.5" Commercial District to allow for commercial development; and 3) to withdraw the existing Zoning Agreement Caveat affecting the subject land.

RELATED FILES: DCU 309933/03D



SITE DESCRIPTION:

Site Area:

The total overall site area of the proposed subdivision of 674 & 680 Selkirk Ave. is approximately 20,000 square feet (0.45 acres). The total area of the proposed rezoning of 674 Selkirk Ave. is 11,300 square feet (0.26 acres).

Existing Land Use and Zoning:

The properties in question are currently vacant. 674 Selkirk Avenue is currently zoned RM-7 Multiple Family Residential, and 680 Selkirk is currently zoned C1.5 Commercial.

Surrounding Land Use and Zoning:

North: Selkirk Avenue, then mixed use commercial & residential buildings (C1.5), and residential homes (R2-T)
South: Religious building and residential homes (R2-T), then Flora St., then residential homes (R2-T)
East: McKenzie Street, then commercial businesses (C1.5) and residential homes (R2-T)
West: Commercial and residential buildings (C1.5)

DEVELOPMENT DESCRIPTION:

The applicant is proposing to rezone 674 Selkirk Ave. from RM-7 to C1.5, and to subdivide the properties at 674 & 680 Selkirk Ave. The applicant's intent is to develop the site for commercial uses. The applicant has also requested the deletion of Caveat No. 87-87027, which restricts any development on 674 Selkirk to seniors housing. In tandem with this application, the land owner has also applied for a conditional use permit to allow for the establishment of an automobile sales business on-site (see related file DCU 309933/03D).

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of compatible mixed uses, including low intensity local commercial development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no concerns with the proposed rezoning, as the proposed zoning designation of "C1.5" Commercial is compatible with the adjacent commercial properties, and the general commercial nature of Selkirk Avenue. Moreover, there is no objection to the deletion of the caveat restricting development on 674 Selkirk to seniors housing (Caveat No. 87-87027), as this caveat would no longer be appropriate with a commercial zoning

designation. The Planning & Land Use Division does have significant concerns with the proposed conditional use application for an automobile sales business, owing to neighbourhood compatibility issues (see related file DCU 309933/03D)

RECOMMENDATION:

I. That Zoning By-law No. 6400/94 be amended by rezoning the land located at 674 Selkirk Avenue, as shown on Schedule "A" for File No. DASZ 20/2003 attached hereto and dated July 14, 2003, to a "Cl.5" Commercial District.

II. That the plan of subdivision proposed under File No. DASZ 20/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File No. DASZ 20/3, attached hereto and dated July 14,2003, for registration in the Winnipeg Land Titles Office.

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

IV. That Caveat No. 87-87027 be fully discharged.

V. 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 market value of the land for 674 Selkirk Avenue.

VI. 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.

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

VIII. 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.

IX. 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 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.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

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

By-Law No.

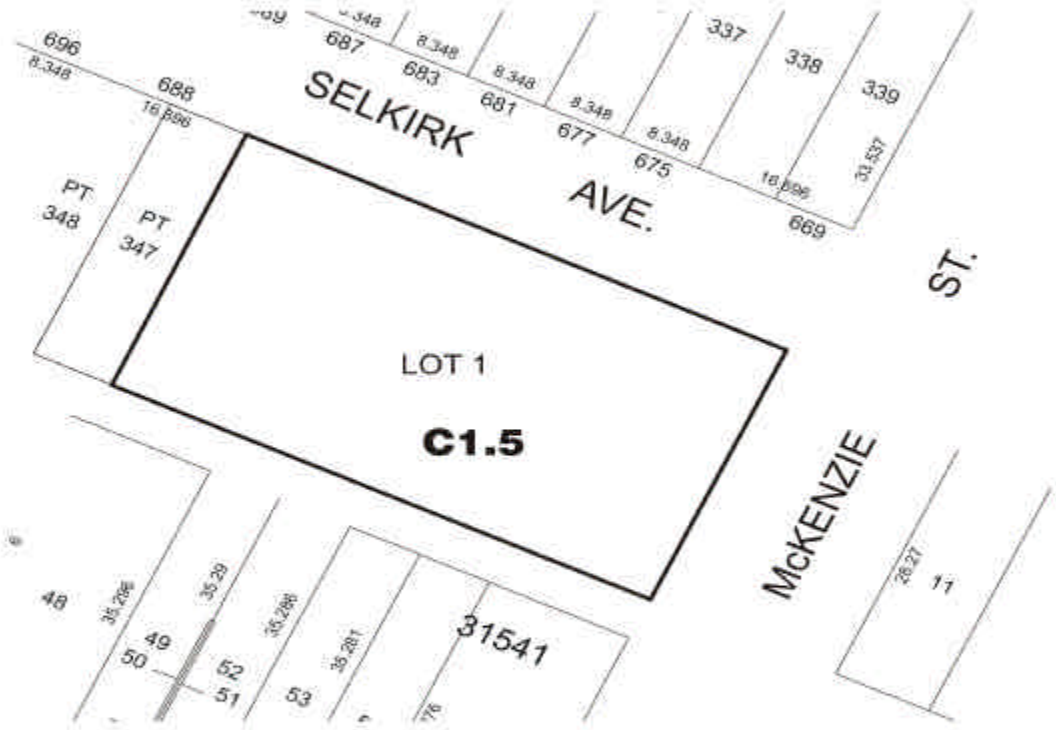
File No. **DASZ 20/03**

Atlas Sheet No. **X24**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below.and for a proposed zoning change to By-Law 6400/94 by rezoning the land located at 674 and 680 Selkirk Avenue from an "RM-7" MULTIPLE FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING :

EFFECTI

ZONING AGREEMENT : YES ☐ NO ☐

CAVEAT

Schedule "A" for File No. DASZ 20/03, LS/WK Community, dated July 14/03

Exhibit "10" for File DASZ 20/2003

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549

Fax / Téléc. : (204) 986-7524

File No. DASZ 20/03 September 8th, 2003
Our c/f CP 300 (.302)

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

Dear Ms. Timmins:

SUPPLEMENTAL REPORT

SUBDIVISION AND REZONING
Subdivision of 674 & 680 Selkirk Ave., and Rezoning of 674 Selkirk Ave.
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 20/03

An application has been received from Balinder Chahal and Gurial Singh, on behalf of The Reading Associates Prosvita, for approval of: 1) a plan of subdivision for 674 & 680 Selkirk Ave.; 2) related zoning change to Zoning By-Law No. 6400/94 by rezoning 674 Selkirk Ave. from an "RM-7" Multiple Family Residential District to a "C1.5" Commercial District to allow for commercial development; and 3) to withdraw the existing Zoning Agreement Caveat affecting the subject land. This item was adjourned by the Lord Selkirk – West Kildonan Community Committee at its July 22nd, 2003 meeting.

RELATED FILES: DCU 309933/03D



SITE DESCRIPTION:

Site Area:

The total overall site area of the proposed subdivision of 674 & 680 Selkirk Ave. is approximately 20,000 square feet (0.45 acres). The total area of the proposed rezoning of 674 Selkirk Ave. is 11,300 square feet (0.26 acres).

Existing Land Use and Zoning:

The properties in question are currently vacant. 674 Selkirk Avenue is currently zoned RM-7 Multiple Family Residential, and 680 Selkirk is currently zoned C1.5 Commercial.

Surrounding Land Use and Zoning:

North: Selkirk Avenue, then mixed use commercial & residential buildings (C1.5), and residential homes (R2-T)
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East: McKenzie Street, then commercial businesses (C1.5) and residential homes (R2-T)
West: Commercial and residential buildings (C1.5)

DEVELOPMENT DESCRIPTION:

The applicant is proposing to rezone 674 Selkirk Ave. from RM-7 to C1.5, and to subdivide the properties at 674 & 680 Selkirk Ave. The applicant's intent is to develop the site for commercial uses. The applicant has also requested the deletion of Caveat No. 87-87027, which restricts any development on 674 Selkirk to seniors housing. In tandem with this application, the land owner has also applied for a conditional use permit to allow for the establishment of an automobile sales business on-site (see related file DCU 309933/03D).

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of compatible mixed uses, including low intensity local commercial development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

This item was adjourned by the Lord Selkirk – West Kildonan Community Committee at its July 22nd, 2003 meeting, over concerns with the related conditional use application (see related file DCU 309933/03D).

The Planning & Land Use Division has no concerns with the proposed rezoning, as the proposed zoning designation of "C1.5" Commercial is compatible with the adjacent commercial properties, and the general commercial nature of Selkirk Avenue. Moreover, there is no objection to the deletion of the caveat restricting development on 674 Selkirk to seniors housing (Caveat No. 87-87027), as this caveat would no longer be appropriate with a commercial zoning designation. The Planning & Land Use Division does have significant concerns with the proposed conditional use application for an automobile sales business, owing to neighbourhood compatibility issues (see related file DCU 309933/03D).

RECOMMENDATION:

I. That Zoning By-law No. 6400/94 be amended by rezoning the land located at 674 Selkirk Avenue, as shown on Schedule "A" for File No. DASZ 20/2003 attached hereto and dated September, 2003, to a "Cl.5" Commercial District.

II. That the plan of subdivision proposed under File No. DASZ 20/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File No. DASZ 20/3, attached hereto and dated September 16,2003, for registration in the Winnipeg Land Titles Office.

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

IV. That Caveat No. 87-87027 be fully discharged.

V. 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 market value of the land for 674 Selkirk Avenue.

VI. 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.

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

VIII. 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.

IX. 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 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh , AICP
Planner

Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DASZ 20/03**

Atlas Sheet No. **X24**

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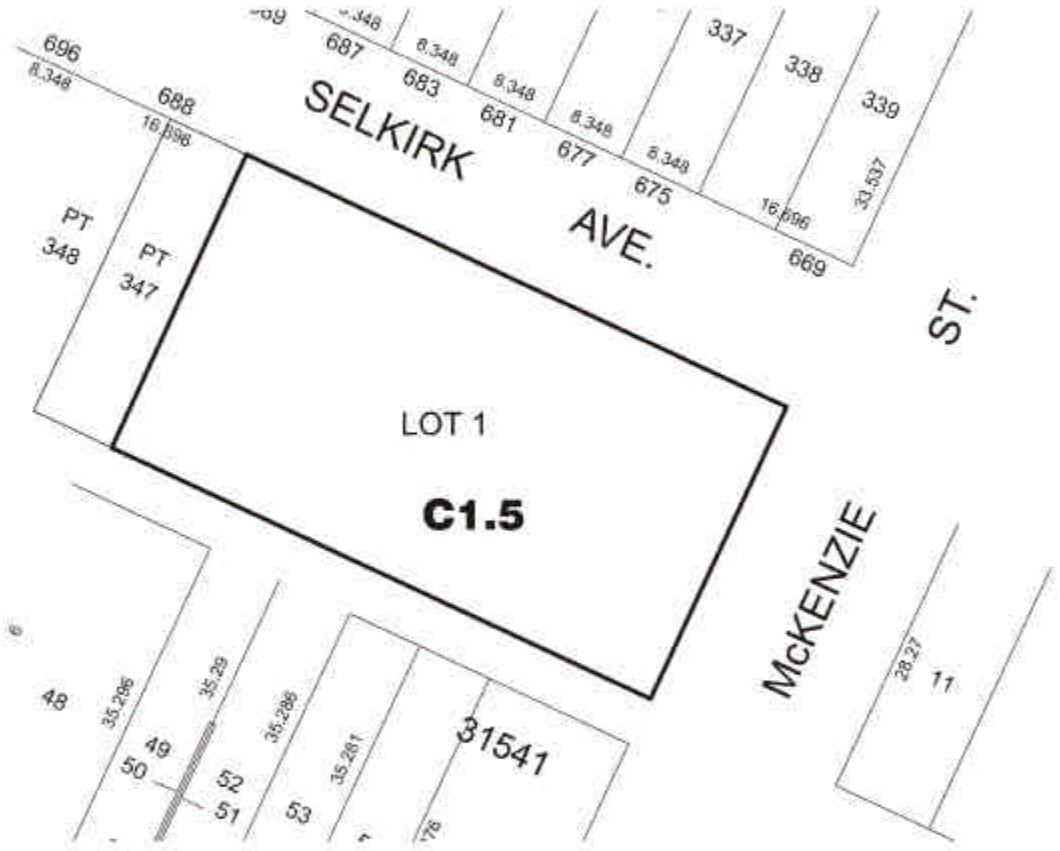
LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-Law 6400/94 by rezoning the land located at 674 and 680 Selkirk Avenue from an "RM-7" MULTIPLE FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 20/03, LS/WK Community, dated September 16/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____