Agenda - Council - October 22, 2003

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

Item No. 9 Rezoning - 649 rue Archibald
File DAZ 227/2003 [c/r DAV 322327/2003D]

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 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 227/2003 dated September 1, 2003, to a "C2" Commercial District.

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 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 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.

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 RECOMMENATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2003, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Rezoning - 649 rue Archibald**
File DAZ 227/2003 [c/r DAV 322327/2003D]

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

Prepared by: **Marc Pittet, Clerk, Riel Community Committee**

Report date: **September 11, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 227/2003 dated September 1, 2003, to a "C2" Commercial District.

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.

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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 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. That the Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated September 1, 2003.

PUBLIC HEARING SUMMARY

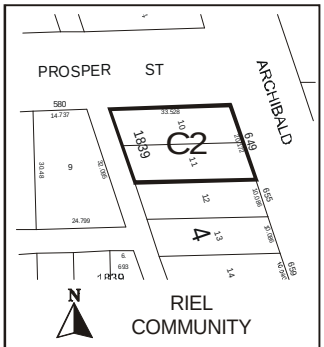
File: DAZ 227/2003 [c/r DAV 322327/2003D]

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Vandal

Public Hearing: September 8, 2003
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Classic Fireplaces (Pete Peters)
329 Cumberland Avenue
Winnipeg, MB R3B 1T2

Subject:



APPLICANT: CLASSIC FIREPLACES
FILE: DAZ 227/03
PROPOSAL: To rezone land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: CLASSIC FIREPLACES
N° DE RÉFÉRENCE : DAZ 227/03
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL) afin de permettre le lotissement à des fins commerciales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 649 rue Archibald

Exhibits Filed:

1. Application dated July 29, 2003
2. Notification of Public Hearing to Applicant dated August 7, 2003
3. Manitoba Status of Title 1682846
4. Surveyor's Building Location Certificate and Sketch
5. Letter of Authorization from Dan Choy, President, F & B Choy Ltd., to Pete Peters, owner of Classic Fireplaces dated June 17, 2003
6. Extract of Atlas Sheet AB27
7. Plans (2 pages)
8. Photograph of subject property
9. Report from the Manager of Planning and Land Use dated September 1, 2003
10. Photographs of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Pete Peters

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Pete Peters appeared in support of the application.

Exhibit “9” referred to in File DAZ 227/ 2003

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

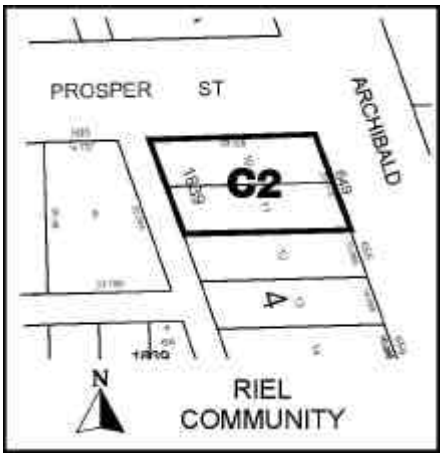
File No. DAZ 227 /03 Sept.1, 2003
Our c/f CP 500 (.503)

Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mr. Pittet

REZONING
Location : 649 Archibald St.
Riel Community Committee
File No. DAZ 227 /03

An application has been received from Classic Fireplaces, to amend By-Law No. 6400/94 by rezoning the land shown below from a “ C1” Commercial District to a “C2” Commercial District to allow for a building materials sales use on the property.



RELATED FILES: DAV03-322327D

SITE DESCRIPTION:

Site Area:

The overall site area totals approximately 7260 sq. ft. The property which is a corner lot has 66 feet of frontage on Archibald St.

Existing Land Use and Zoning:

The existing building which is a one storey structure is currently vacant. It was formerly used to house a clothing repair/ design business(Yee Lai Designs). The land is presently zoned "C1" Commercial.

Surrounding Land Use and Zoning:

North: To the north is an open space area, owned by the City of Winnipeg, and zoned PR-1 Public Reserve.
South: To the immediate south is a business, European Art Glass, zoned C1 Commercial.
East: To the east, across Archibald, is a new Tim Hortons franchise , zoned C2 Commercial.
West: To the west is an established single family neighbourhood, zoned R2 Residential.

DEVELOPMENT DESCRIPTION:

The prospective new owners, Classic Fireplaces, intends to operate a high end retail outlet for electric fireplaces and stoves and locally manufactured gas fireplaces and stoves. They currently operate and will continue to operate their main store at 329 Cumberland. Proposed hours of operation will be Monday through Friday from 9AM-6PM and Saturday from 10AM – 5PM. The building which once housed a clothing design business has been vacant for almost a year.

PLAN WINNIPEG:

Under Plan Winnipeg, the subject site is situated in a Neighbourhood Policy Area which allows for commercial development. The application complies in all aspects with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

The proposed use, in our view, is an appropriate use at the subject location and should not have any adverse effect on neighbouring homes to the west. The prospective owners intend to retail electric and gas fireplaces from the building and are not manufacturing their products on site. There are currently six(6) parking stalls at the rear of the building which meets the by-law requirements and should be more than adequate to provide for employee and customer needs. Up until recently the building was occupied by a clothing design business, Yee Lai Designs. Procedurally, because the proposed use is not a permitted use under the current zoning, the applicants are required to rezone the site to a "C2" Commercial Zoning. In order to occupy the

building and begin with the necessary renovations etc., they are also applying for a temporary use variance which allows them to proceed in advance of the rezoning being finalized.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 227/01, attached hereto and dated Sept.1/03 to a " C2" Commercial District.

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 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 City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Kevin Lalor
Per: Senior Planner, Acting Coordinator, Urban & Neighbourhood Planning
Riel Community
986-5069

/jc

By-Law No. _____

File No. **DAZ 227/03**

Atlas Sheet No. **AB27 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 649 Archibald Street from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 227/03, Riel Community Committee, dated Sept. 1/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____