Agenda - Council - December 17, 2003

Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 5 Rezoning - 40 Cromwell Street
File DAZ 235/2003

STANDING COMMITTEE RECOMMENDATION:

On December 10, 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 235/2003 dated October 28, 2003, to a " C1.5" Commercial District.

2. That the ten percent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance.

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 - December 2, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 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 December 2, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 4, 2003, the Riel Community Committee concurred in the administrative recommendation, as amended, namely:

- Delete Recommendation 2 in its entirety and replace with the following:

    2. That the ten percent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance.

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

RE: Subdivision and Rezoning/Zoning Agreement Amendment - 40 Cromwell Street
File DAZ 235/2003 [c/r DAV 329627/2003D]

For submission to: Standing Policy Committee on Property and Development

Prepared by: Marc Pittet, Clerk,
Riel Community Committee

Report date: November 7, 2003

COMMUNITY COMMITTEE RECOMMENDATION:

On November 4, 2003, the Riel 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 235/2003, dated October 28, 2003, to a " C1.5" Commercial District.

2. That the ten (10%) percent requirement for land dedication based on the increase in the market value of the land be waived in this instance.

3. 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.

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.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Riel Community Committee.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated October 28, 2003.

PUBLIC HEARING SUMMARY

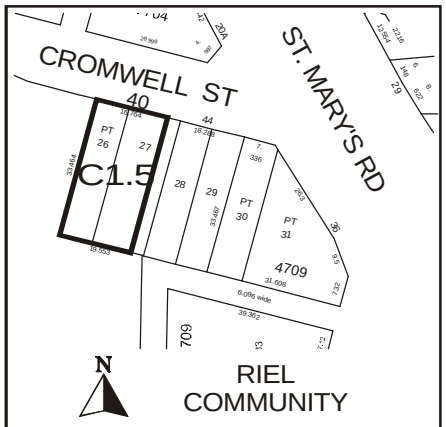
File: DAZ 235/2003 [c/r DAV 329712/2003D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Vandal

Public Hearing: November 4, 2003
Community Committee Chamber, 604 St. Mary's Road

Applicant: Nelson Collins

Subject:



APPLICANT: NELSON COLLINS
FILE: DAZ 235/03
PROPOSAL: To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT to allow for commercial uses. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR :NELSON COLLINS
RÉFÉRENCE : DAZ 235/03
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2-T (SECTEUR DE TRANSITION) à la catégorie C1.5 (SECTEUR COMMERCIAL) afin d'y permettre le développement commercial. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 40 Cromwell Street

Exhibits Filed:

1. Application dated September 16, 2003
2. Notification of Public Hearing to Applicant dated October 3, 2002
3. Manitoba Status of Title 1891914
4. Surveyor's Building Location Certificate and sketch dated July 26, 2002
5. Extract of Atlas Sheet AB25
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated October 28, 2003
8. Inspection Report

REPRESENTATIONS:

In Support:

Nelson Collins

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Nelson Collins appeared in support of the application. Councillor Vandal indicated that it would be his intention to waive the ten (10%) percent land dedication requirement as the business in question has been operating at this location for quite some time.

Exhibit “7” referred to in File DAZ 235/2003

In reply please refer to / Référence à rappeler :

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

File No. DAZ 235/03 **October 28,2003**
Our c/f CP 500 (.514)

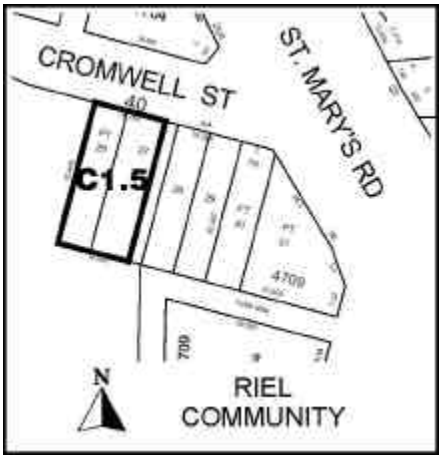
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mr. Pittet

REZONING
Location : 40 Cromwell St.
Riel Community Committee
File No. DAZ 235/03

An application has been received from Nelson Collins, Collins & Associates, to amend By-Law No. 6400/94 by rezoning the lands shown below from an “ R2-T” Transitional Residential District to a “ C1-5” Commercial District to allow for the maintenance of an accounting office in what was formerly a single family residence.

RELATED FILES:DAVO3-329627D



SITE DESCRIPTION:

Site Area: The lot in question has a total area of 5995 sq. ft. and 55 feet of frontage on Cromwell St.

Existing Land Use and Zoning:

The on site building was originally a single -family dwelling. It is currently being utilized for business purposes; specifically an accounting business. It is currently zoned R2-T Residential.

Surrounding Land Use and Zoning:

North: Across Cromwell to the north is a commercial business zoned C2. And adjacent to that business are several apartment blocks zoned R2-T Residential.

South: To the south is an open space area zoned PR-1 and several more apartment blocks zoned R2-T Residential.

East: To immediate east is an apartment block zoned R2-T and a commercial business (convenience store) zoned C2 Commercial.

West: To the west is a recreational / open space area zoned PR-1.

DEVELOPMENT DESCRIPTION:

The applicants wish to continue operating their accounting business which must be legitimised by rezoning to a commercial category. In addition, they have made application with the City to purchase a small portion of the park space at the rear of their property. If successful they will be able to provide alternative access to their lot via the rear lane. The City has not committed as yet to the sale of the aforementioned land . They are awaiting results of the subject rezoning.

PLAN WINNIPEG:

The subject lot falls within a designated Neighbourhood Policy Area which allows for the establishment of commercial uses.

ADMINISTRATIVE COMMENTS:

The subject building is somewhat isolated from other single family dwellings to the south. It lies almost completely surrounded by apartment buildings and small commercial businesses. The existing use does not generate much traffic/activity and the staff component is small . It should be further noted that C1-5 Commercial is a highly restrictive zoning category and does not allow as of right uses which are generally deemed incompatible with residential neighbourhoods. It is therefore recommended that your Committee endorse the subject application as submitted.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 235/03, attached hereto and dated October 28,2003, to a " C1-5" 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 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: Acting Coordinator, Urban & Neighbourhood Planning Branch

/jc

By-Law No. _____

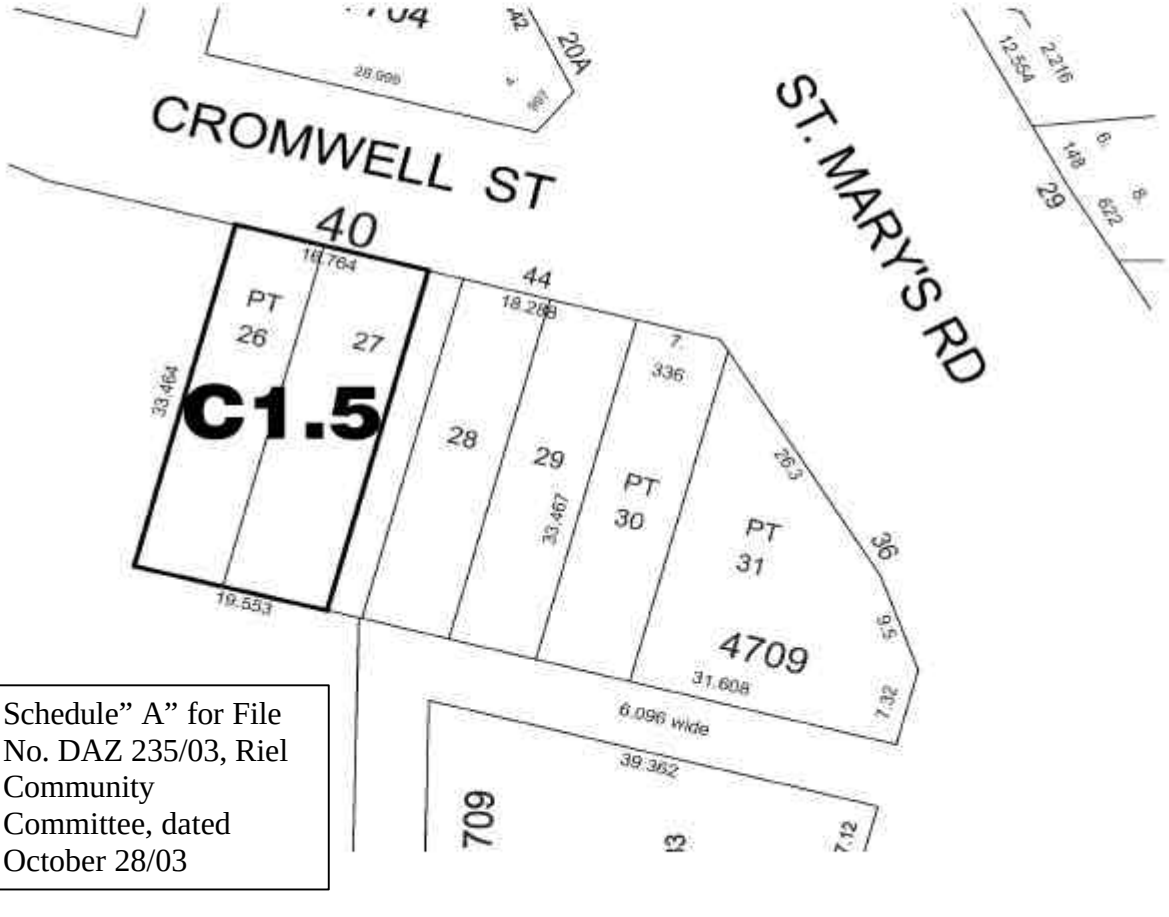
File No. **DAZ 235/03**

Atlas Sheet No. **AB25 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 40 Cromwell Street from an "R2-T" TRANSITIONAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



Schedule" A" for File No. DAZ 235/03, Riel Community Committee, dated October 28/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____