Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Property and Development - January 16, 2004

Item No. 5 Rezoning - 85 Horace Street
File DAZ 236/2003

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee 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 236/2003 dated November 24, 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.

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

Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Property and Development - January 16, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2004, 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 December 1, 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 - 85 Horace Street**
File DAZ 236/2003 [c/r DAV 330745/2003]

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

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

Report date: **December 3, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 2003, 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 236/2003, dated November 24, 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 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.

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 from the Manager of Planning and Land Use dated November 24, 2003.

PUBLIC HEARING SUMMARY

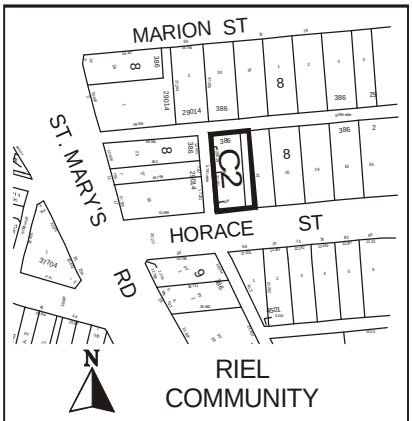
File: DAZ 236/2003 [c/r DAV 330745/2003]

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Vandal

Public Hearing: December 1, 2003
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: N. D. Lea (Veronica Hicks)

Subject:



APPLICANT: ND LEA
FILE: DAZ 236/03
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for the establishment of a non-accessory parking lot. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA
RÉFÉRENCE : DAZ 236/03
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 l'aménagement d'un parc de stationnement non contigu. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 85 Horace Street

Exhibits Filed:

1. Application dated October 10, 2003
2. Notification of Public Hearing to Applicant dated November 13, 2003
3. Manitoba Status of Titles1159045, 1327142, 1321743, 1922478 and 1922480
4. Letter of authorization dated September 5, 2003, from Bob Sparrow to Ms Linda Ratynski
5. Letter of authorization dated September 5, 2003, from Ms Linda Ratynski to the City of Winnipeg
6. Surveyor's Building Location Certificate and sketch dated December 12, 2002
7. Aerial Plan and Photos (3 pages)
8. Extract of Atlas Sheet AB26
9. Report from the Manager of Planning and Land Use dated November 24, 2003
10. Inspection Report

REPRESENTATIONS:

In Support:

Veronica Hicks
Paul McNeil

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

Veronica Hicks and Paul McNeil appeared in support of the application and provided a brief overview of the application.

Exhibit “9” referred to in File DAZ 236/2003

In reply please refer to / Référence à rappeler :

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

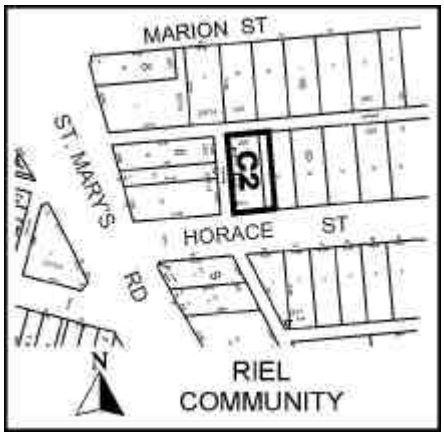
File No. DAZ 236 /03 Nov.24, 2003
Our c/f CP 500 (. 513)

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

Dear : Mr. Pittet

REZONING
Location: 85 Horace Street
Riel Community Committee
File No. DAZ 236 /03

An application has been received from ND LEA on behalf of the St. Boniface Hospital, 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 non -accessory parking lot.



RELATED FILES:DAV03-330745/D

5064

SITE DESCRIPTION:

Site Area:
Approximately 8831 sq. feet

Existing Land Use and Zoning:
The property has recently been utilized as an accessory parking area for the Norwood Hotel and prior to that it provided accessory parking for a now removed Taco Bell Restaurant. It is currently zoned 'C1' Commercial.

Surrounding Land Use and Zoning:

North: To the north along Marion are a number of commercial businesses zoned C2 Commercial.
South: To the south is a mix of housing from single family and two family housing along the south side of Horace to apartment blocks adjacent to St. Mary's Road.
East: To the east is a large parking area zoned C1 Commercial.
West: To the west are commercial buildings zoned C2 Commercial.

DEVELOPMENT DESCRIPTION:
The St. Boniface proposes to purchase the subject property and use its 24 stalls for additional staff/employee parking. The lot has , for years, been utilized as an accessory parking area for both the Norwood Hotel and a recently vacated Taco Bell Restaurant which was situated across the lane on Marion. And because the lot lay adjacent to the aforementioned businesses, no rezoning was required. However, in order for the Hospital to utilize the property for parking, a rezoning to a C2 Commercial category is required given that the lot is not accessory to the Hospital. An accompanying use variance has also been processed (not to exceed one year in duration) in order to allow the Hospital to use the site for parking in advance of the rezoning being finalized.

PLAN WINNIPEG:
The site in question falls within a designated Neighbourhood Policy Area which does allow for accessory and non accessory parking areas.

ADMINISTRATIVE COMMENTS:
There is , in our view, no outstanding issues with the proposed rezoning and use of the property. The new owners are not expanding the site or altering the use in any way. Access to the site off the existing lane remains unchanged. It is therefore recommended that your Committee endorse the proposed change in zoning as submitted.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 236/03, attached hereto and dated Nov.24/03, to a " C2" 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 Act.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Kevin Lalor
Per: , Senior Planner
Riel Community)
986-5069

/jc

5066

By-Law No. _____

File No. **DAZ 236/03**

Atlas Sheet No. **AB26 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 85 Horace Street from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DAZ 236/03, Riel Community Committee, dated November 24/03

THIRD READING : _____ EFFECTIVE

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____