Agenda - Council - January 28, 2004

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

Item No. 6 Rezoning - 264, 266 and 268 St. Anne's Road
File DAZ 237/2003

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 237/2003 dated November 24, 2003, to a "C2" Commercial District, subject to the following:

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

        i. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing (specifically as it relates to the construction and maintenance of a six (6) foot high solid wood fence along the entire length of the west property line of the site) be submitted to and approved by the Director of Planning, Property and Development prior to the issuance of any building permits.

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.

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

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.

8. 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, as amended, namely:

- That Clause 1.A.i. be amended by adding the words “and maintenance” in the third line thereof following the word construction.

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

RE: **Rezoning - 264, 266 and 268 St. Anne's Road**
File DAZ 237/2003

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 237/2003, dated November 24, 2003 to a "C2" Commercial District, subject to the following:

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

        i. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing (specifically as it relates to the construction ***and maintenance*** of a six (6) foot high solid wood fence along the entire length of the west property line of the site) be submitted and approved by the Director of Planning, Property and Development prior to the issuance of any building permits.

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 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.

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

PUBLIC HEARING SUMMARY

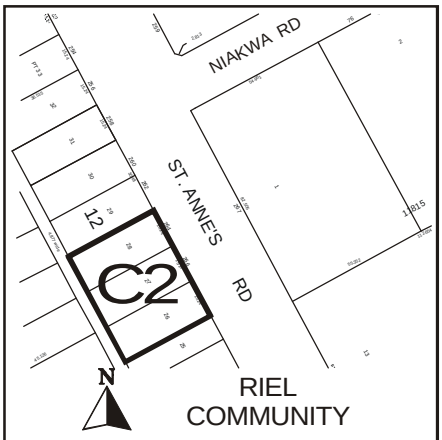
File: DAZ 237/2003

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Vandal

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

Applicant: Campbell Marr (Kenton L. Fast)

Subject:



APPLICANT: CAMPBELL, MARR
FILE: DAZ 237/03
PROPOSAL: To rezone the land shown outlined above from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : CAMPBELL MARR
RÉFÉRENCE : DAZ 237/03
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2 (SECTEUR D'HABITATIONS BIFAMILIALES) à la catégorie C2 (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: 264, 266 and 268 St. Anne's Road

Exhibits Filed:

1. Application dated October 10, 2003
2. Notification of Public Hearing to Applicant dated October 16, 2003
3. Manitoba Status of Title 1860368
4. Letter of authorization dated October 5, 2003, from Edward Duncan Honey to The City of Winnipeg
5. Extract of Atlas Sheet AE27
6. Proposed Site Plan
7. Report from the Manager of Planning and Land Use dated November 24, 2003
8. Inspection Report

REPRESENTATIONS:

In Support:

Mark Olson

For Information:

Doug Dubeau

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Mark Olson appeared in support of the application.

Exhibit “7” referred to in File DAZ 237/2003

In reply please refer to / Référence à rappeler :

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

File No. DAZ 237 /03 November 24, 2003
Our c/f CP 500 (. 515)

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

Dear : Mr. Pittet

REZONING
Location: 264, 266, 268 St. Anne’s Rd.
Riel Community Committee
File No. DAZ 237 /03

An application has been received from Mr. Kenton Fast, to amend By-Law No. 6400/94 by rezoning the land shown below from an “ R2” Two Family Residential District to a “ C2” Commercial District to allow for the establishment of a commercial building.



RELATED FILES: NA

SITE DESCRIPTION:

Site Area:
Approximately 18,240 sq. feet.

Existing Land Use and Zoning:
Several residential dwelling units occupy the northern half of the site and they are zoned R2 Two Family District.

Surrounding Land Use and Zoning:

North: To the immediate north is a veterinary clinic zoned C2 Commercial.
South: To the south is a restaurant (currently being demolished) zoned C1 Commercial.
East: To the east on the opposite side of St. Annes are medium to high density apartment buildings zoned RM-4 Multiple Family.
West: To the west is a fully developed single family residential subdivision zoned R1-5 Single Family Residential.

DEVELOPMENT DESCRIPTION:
The new owners propose to construct a 2500 sq. foot single storey commercial building with what appears to be one tenant, possibly for a bank or offices. That is as specific as we can be at this time given that there is little or no detail in the application with respect to use. The accompanying site plan does indicate two new approaches off of St. Annes with provision for 33 parking stalls. The proposed building is to be sited adjacent to the north property line.

PLAN WINNIPEG:
The proposed development falls within a designated Neighbourhood Policy Area which permits the establishment of C2 commercial businesses.

ADMINISTRATIVE COMMENTS:
The proposed rezoning to a C2 Commercial category is not inconsistent with what is currently in place on properties fronting St. Annes, north and south of Fermor Avenue. Small businesses, some in small commercial malls are commonplace along St. Annes mixed with concentrations of multiple family housing and the occasional single family dwelling. There is little information at this time related to what kind of business is proposed for this site. However the information submitted does suggest that it is probably a small office building. Uses which could pose a problem for adjoining neighbours on St. Elmo Road, such as carwashes, convenience stores and drive thru restaurants etc. are not permitted outright and are conditional under the C2 zoning. Access to the site , according to the plans appears to be restricted to St. Annes and we would further suggest that a solid wood fence 6’ feet high be constructed along the west periphery of the site to shield existing residents west of the lane.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 237/03, attached hereto and dated November 24/03 to a " C2" Commercial District, subject to the following:

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

1. That final site plans indicating details of approaches, building locations, parking , signage, garbage enclosure and fencing (specifically as it relates to the construction of a 6' foot high solid wood fence along the entire length of the west property line of the site) be submitted and approved by the Director of Planning, Property & Development Department prior to the issuance of any building permits.

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 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/ Manager of Legal Services 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 Charter.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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

/jc

5078

By-Law No. _____

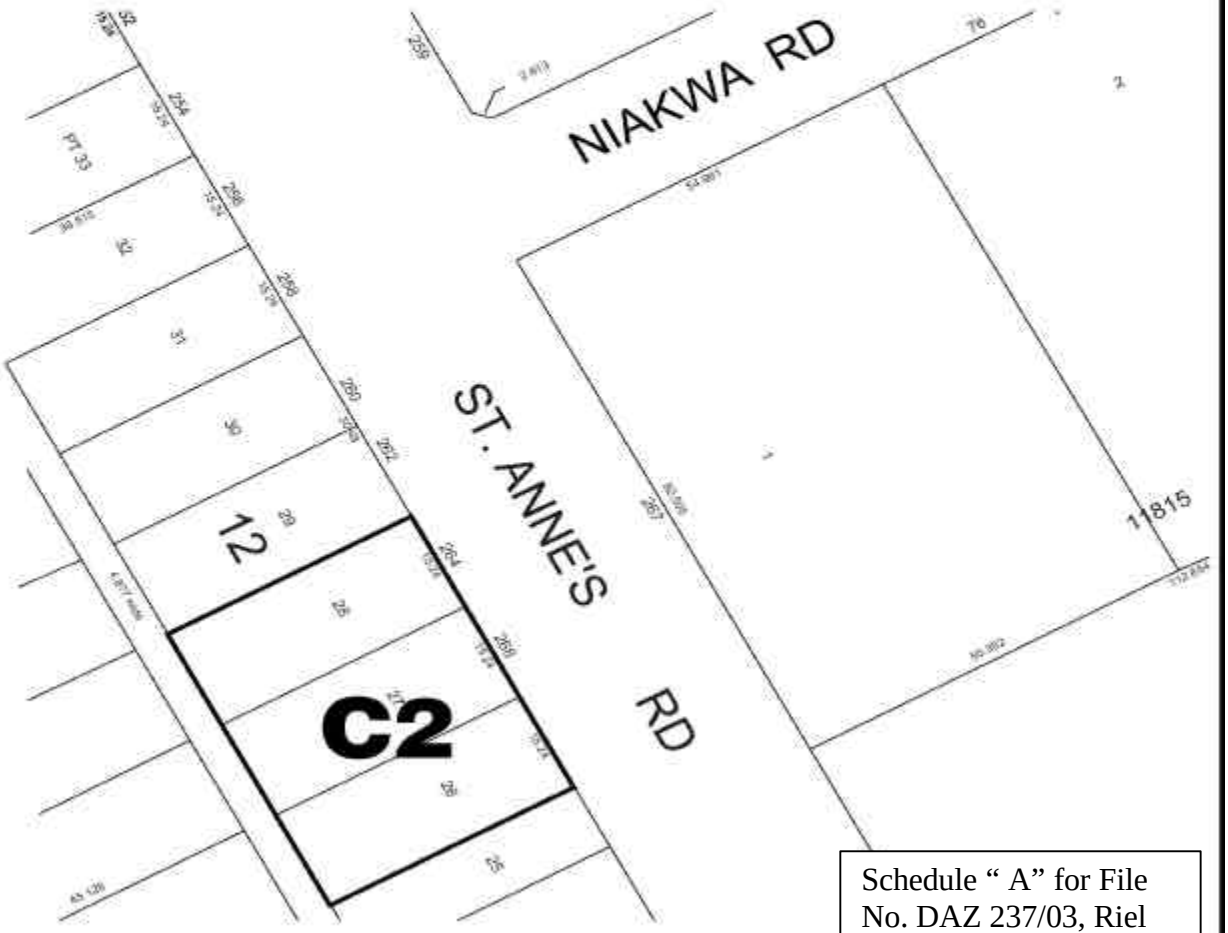
File No. **DAZ 237/03**

Atlas Sheet No. **AE27**
RIEL
COMMUNITY

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 264, 266 and 268 St. Anne's Road from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule " A" for File No. DAZ 237/03, Riel Community Committee, dated November 24/03