Minute No. 215
Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 5 Subdivision and Rezoning - 1665 Henderson Highway
File DASZ 40/2003

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 40/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2003, dated December 21, 2003, for registration in the Winnipeg Land Titles.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule "A" for File DASZ 40/2003 dated December 31, 2003, to a "C2" Commercial District.

3. 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 market value of the land due to the change in zoning.

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

5. 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

6. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That 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.

Report - Standing Policy Committee on Property and Development - February 3, 2004

COUNCIL DECISION (continued)

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report - Standing Policy Committee on Property and Development - February 3, 2004

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 3, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments, namely:

- Add a new recommendation 3, namely:

  "3. 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 market value of the land due to the change in zoning."

- Renumber the remaining recommendations accordingly,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

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RE: **Subdivision and Rezoning –1665 Henderson Highway**
File DASZ 40/2003

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 40/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2003, dated December 21, 2003, for registration in the Winnipeg Land Titles.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 40/2003 dated December 31, 2003 to "C2" Commercial District.

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

4. 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

5. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

6. That 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.

7. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 31, 2003.

2. The subject application is congruent with other commercial development on Henderson Highway and will incorporate interesting and aesthetic details in landscaping.

PUBLIC HEARING SUMMARY

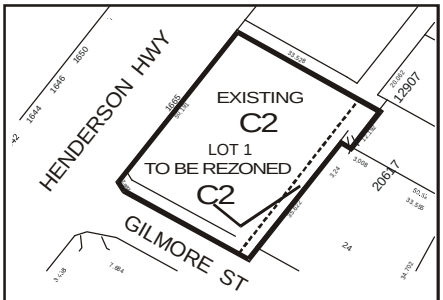
File: DASZ 40/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: January 13, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Sharon Martinenko
Stevenson Advisors Ltd.

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : STEVENSON ADVISORS LTD.

FILE : DASZ 40/03

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 No. 6400/94 by rezoning the land shown outlined above from a "R1-5.5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 1665 Henderson Highway

Exhibits Filed:

1. Application dated December 16, 2003
2. Notification of Public Hearing dated December 16, 2003
3. Manitoba Status of Titles 1210364 and 1211115
4. Surveyor's Building Location Certificate and Sketch undated
5. Letter of authorization dated September 18, 2003, from Imperial Oil Limited to Cornerstone Developments Limited
6. Variance Order DAV 334423/2003C
7. Conditional Use Order DCU 334420/2003C
8. Report from the Manager of Planning and Land Use dated December 31, 2003
9. Inspection Report

REPRESENTATIONS:

In Support:
Patrick Hamilton

In Opposition:
Nil

For the City:
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATON OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Patrick Hamilton, Stevenson Advisors Ltd., appeared in support of the application and of the administrative recommendations. He advised that the subject application will consolidate the public right-of-way with the larger commercial property that fronts Henderson Highway. He indicated that the commercial property is an abandoned Imperial Oil site that has not been used since 1994. He expressed his opinion that the subject development will fit into the existing neighbourhood.

Exhibit "8" referred to in File DASZ 40/2003

In reply please refer to / Référence à rappeler : **John S. Wintrup**
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 40/03 December 21, 2003
Our c/f CP 500 (.418)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
1665 Henderson Highway
East Kildonan - Transcona Community Committee
File No. DASZ 40/03

An application has been received from Sharon Martinenko Stevenson Advisors Ltd for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-5.5" Residential District to a "C2" Commercial District.

RELATED FILES: DAC 9/2003; DCU 03-334420/C; DAV 03-334423/C



SITE DESCRIPTION:

Site Area: The site area is approximately 383.0 square metres (4,122.6 square feet).

Existing Land Use and Zoning: Vacant land designated "R1-5.5" Residential District.

Surrounding Land Use and Zoning:

North: Public Lane.
South: Across Gilmore Avenue, Multi-Family Dwelling designated "RM-2".
East: Single Family Dwellings designated "R1-5".
West: Vacant land designated "C2".

DEVELOPMENT DESCRIPTION:

The closed public right-of-way will be consolidated with the adjacent commercial land. The applicant is proposing to construct a strip mall on the vacant commercial land to the west.

The adjacent commercial land is zoned "C2" Commercial District and is a vacant lot with the exception of an illuminated free standing sign. Adjacent properties are zoned "C2' to the north and "R1-5.5" to the east. Surrounding properties are multiple family dwellings to the south across Gilmore Avenue and to the west across Henderson Highway.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The unimproved public lane was closed by DAC 9/2003. Under the zoning by-law regulations, the westerly ½ of the lane automatically reverted to a "C2" Commercial Designation. The easterly ½ of the lane was designated "R1-5.5".

The applicant has purchased the entire public right-of-way in order to consolidate the parcel with the larger commercial property that fronts Henderson Highway. The applicant is proposing to construct a one story commercial building on the vacant lot. The building will be 7,900 square feet with front entrances facing Henderson Highway. There will be no rear or side entrances on the building. The building will have multiple units. One such unit will house a convenience store: it is allowed to sell food alone or in combination with other goods and services and is open at any time during the period between 11:00 p.m. of one day and 7:00 a.m. of the following day.

The applicant required variances to permit: a rear yard of 10 feet (3.05 metres) instead of 25 feet (7.62 metres); a garbage enclosure in a required rear yard abutting a residential district, said location not permitted; 29 parking spaces instead of 44 parking spaces; and no loading space instead of one (1) space. The variances were granted by the Board of Adjustment subject to the following conditions:

1. That if any Variance granted by this Order is not established within two (2) years of the date hereof, this Order, in respect of that Variance shall terminate.

2. That no signage be erected on the east facade of the building and that a sign 15 feet in length shall be permitted on the south facade.

3. That there shall be no free standing identification or advertising signs including mobile sign, poster signs, and A-frame signs permitted on the Gilmore Avenue frontage, and there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

4. That all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container.

5. That the minimum acceptable size for deciduous trees be 2.0 inch caliper size at time of planting.

6. That the minimum acceptable size of coniferous trees be 6.5 feet in height at the time of planting.

7. That should any use granted by this order cease operation for two (2) consecutive years, the Variance shall terminate.

8. That any yard Variance granted by this Order shall terminate upon the demolition of the proposed building.

9. That the existing illuminated free standing sign use previously approved under DCU 49/98C be removed from the site.

10. That there be no loading or unloading at any building entrances on the east or south side of the building.

11. That the subject property shall be developed in accordance with the revised plans submitted, shown as Exhibit 13 for File DAV 334423/2003C, excepting the location of the garbage enclosure, which shall be moved as far west as possible to the Manitoba Hydro easment.

The approved plan included 13 choke cherry trees and 3 Colorado spruce trees on the closed portion of the public lane that is the subject of this rezoning.

RECOMMENDATION:

A. That, the plan of subdivision proposed under File No. DASZ 40/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 40/03, attached hereto and dated December 21, 2003, for registration in the Winnipeg Land Titles.

B. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 40/03, attached hereto and dated December 31, 2003 to "C2" Commercial District.

C. That, the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

D. 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.

E. That, the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

F. 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.

G. That, in the event 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 Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

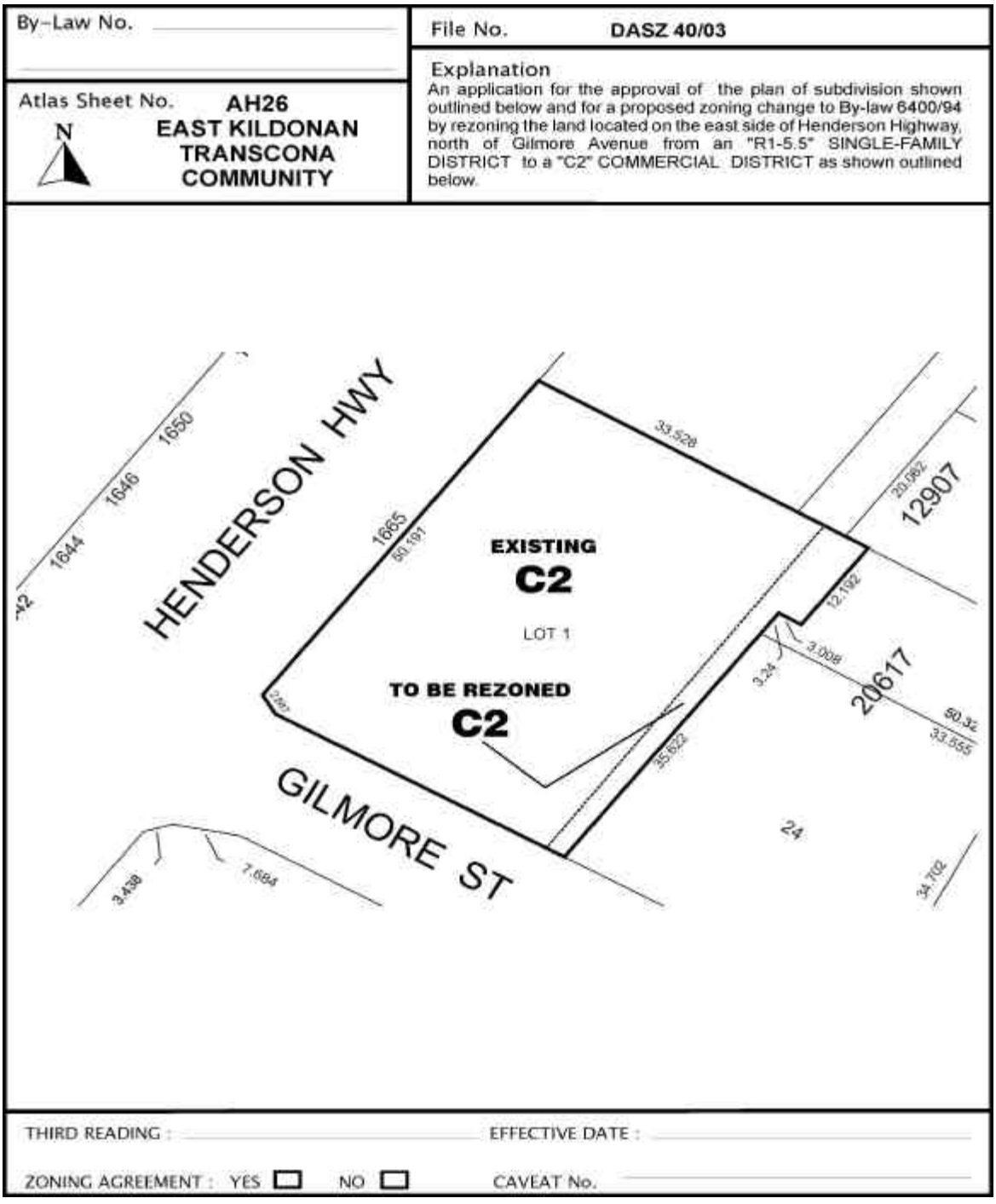


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 40/03, dated December 21, 2003.



Figure 2: Air Photo of subject property and Surrounding Context

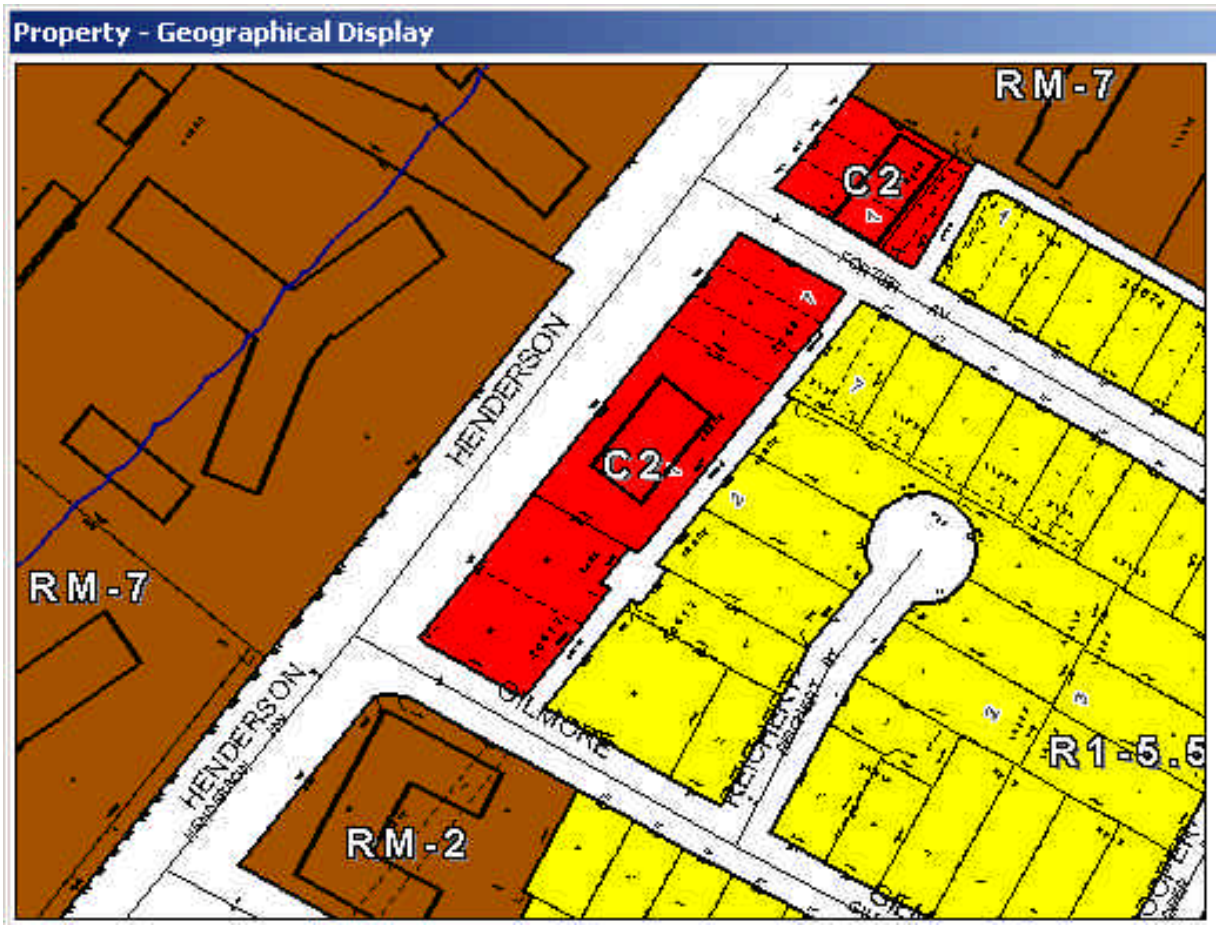


Figure 3: Zoning Map For Subject Property and Surrounding Area