Minute No. 216
Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 6 Rezoning - 1498 St. Mary's Road - File DAZ 240/2003

COUNCIL DECISION:

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

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 240/2003 dated January 13, 2004, 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. A solid six (6) foot fence to be established and maintained along the entire west boundary of the property.

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.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 20, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1498 St. Mary's Road**
File DAZ 240/2003 [c/r DAV 340424/2003D]

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

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

Report date: **January 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 20, 2004, 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 240/2003 dated January 13, 2004, 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. A solid six (6) foot fence to be established and maintained along entire west boundary of the property.

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.

The Riel Community Committee provided the following supporting reasons 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 January 13, 2004.

2. The proposed store is a good fit for the community.

PUBLIC HEARING SUMMARY

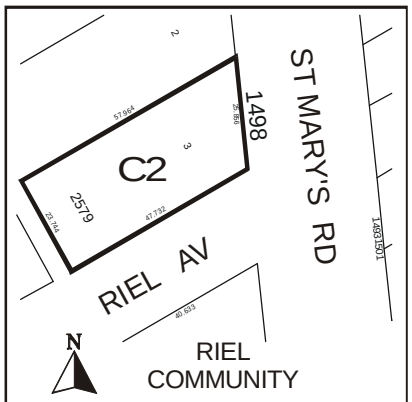
File: DAZ 240/2003 [c/r DAV 340424/2003D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Angus
Councillor Steeves

Public Hearing: January 20, 2004
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Klaus Fischer

Subject:



APPLICANT: KLAUS FISCHER
FILE: DAZ 240/03
PROPOSAL: To rezone the land shown outlined above from an "R1-5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: KLAUS FISCHER
RÉFÉRENCE : DAZ 240/03
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R1-5 SECTEUR D'HABITATIONS UNIFAMILIALES 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:		1498 St. Mary's Road
Exhibits Filed:	1.	Application dated November 20, 2003
	2.	Notification of Public Hearing dated November 26, 2003
	3.	Manitoba Status of Title 1318163
	4.	Surveyor's Building Location Certificate and sketch dated November 7, 2003
	5.	Letter of authorization dated November 3, 2003 from Lionel Holmes
	6.	Plan, Site Proposal
	7.	Report from the Manager of Planning and Land Use dated January 13, 2004
	8.	Inspection Report

REPRESENTATIONS:

In Support:
Klaus Fischer
Lionel Holmes
Joanne and Kirk Leitold

For Information:
Gail Peters

For the City:
Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Joanne Leitold and Klaus Fischer appeared in support of the application and provided an overview of the application.

Gail Peters appeared for information. Ms. Peters stated she was concerned that further development at this busy corner would exasperate an already poor traffic situation. Mrs. Peters further stated she was concerned that increased traffic would endanger the safety of area children who attend Darwin School.

Joanne Leitold and Klaus Fischer returned in rebuttal. Ms. Leitold explained that she was moving an existing business (which is not a business that generates high traffic) and that most of her business was conducted outside of her store.

Councillor Steeves stated that he was pleased that something was going to be done with the property in question that would not adversely affect the area and that the store would be a good fit for the community.

In response to a question from Councillor Angus, the Senior Planner stated that the proposed approach would be located further west than the existing approach and will be safer.

Exhibit "8" referred to in File DAZ 240/2003

In reply please refer to / Référence à rappeler :

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

File No. DAZ 240 /03 January 13, 2004
Our c/f CP 500 (. 519)

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

Dear Mr. Pittet:

REZONING
Location: 1498 St. Mary's Road
Riel Community Committee
File No. DAZ 240 /03

An application has been received from Klaus Fischer, to amend By-Law No. 6400/94 by rezoning the land shown below from an " R1-5" Single Family District to a " C2" Commercial District to allow for offices for a design consultant.

RELATED FILES:DAV03-340424/D



SITE DESCRIPTION:

Site Area:

The overall area of the lot is approximately 14,630 sq.feet. There is almost 80' of frontage on St. Marys Road.

Existing Land Use and Zoning:

A small one storey frame dwelling currently occupies the site in addition to a 400 sq. ft. garage which is accessed off of Riel Avenue. The land is zoned for R1-5 Single Family development.

Surrounding Land Use and Zoning:

North: Immediately to the north is a Burger King Restaurant zoned C2 Commercial.
South: Adjacent to the south is a lineal commercial mall with a diverse mix of uses zoned C2 Commercial.
East: To the east across St. Marys Road are a number of large commercial uses such as a McDonalds Restaurant and a large gas outlet and carwash. They all form part of the St. Vital Regional Shopping Centre and are zoned CR Commercial.
West: To the west is an unopened lane right-of-way and further to the west is a dwelling on a large lot and a church. Those properties are zoned R1-5 Residential.

DEVELOPMENT DESCRIPTION:

The applicant, Interior Touches, is a Design Consulting Business which needs office and design studio space . The business specializes in the design of furniture, window coverings and accessories. They propose to replace the existing residence with a new two storey building at the front of the property which will have a main floor area of 5312 sq. feet and a second flor area of 1069 sq. feet. A new approach to a 16 stall parking area will be established at the rear of the lot off of Riel St.

PLAN WINNIPEG:

The site in question falls within a designated Neighbourhood Policy Area which allows for commercial development.

ADMINISTRATIVE COMMENTS:

The subject site is one of the last remaining residential parcels with frontage along St. Marys Road south of Bishop Grandin Blvd. Inevitably these parcels are converted into various types of commercial developments , the specific type of development usually determined by the size of the property. In this case, the lot in question is of substantial size (almost 15,000 sq. feet). However the proposed use should not generate that much traffic at what is recognized as a very busy intersection. Riel is a bus route and acts as a short cut for many people travelling

to and from River Road. There is more than adequate parking in our view to meet customer and employee requirements even though there is a deficiency under the By-Law which is being addressed by an accompanying variance. There has been a request by the adjoining property owner to the west for the applicants to install a solid six(6) foot fence along the most westerly property line to ensure that their privacy is maintained from the parking area traffic. This Branch is recommending that that be a condition of approval in the Zoning Agreement.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 240/03, attached hereto and dated January 13, 2004, 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. A solid six (6) foot fence to be established and maintained along entire west boundary of the property.

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 / 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.

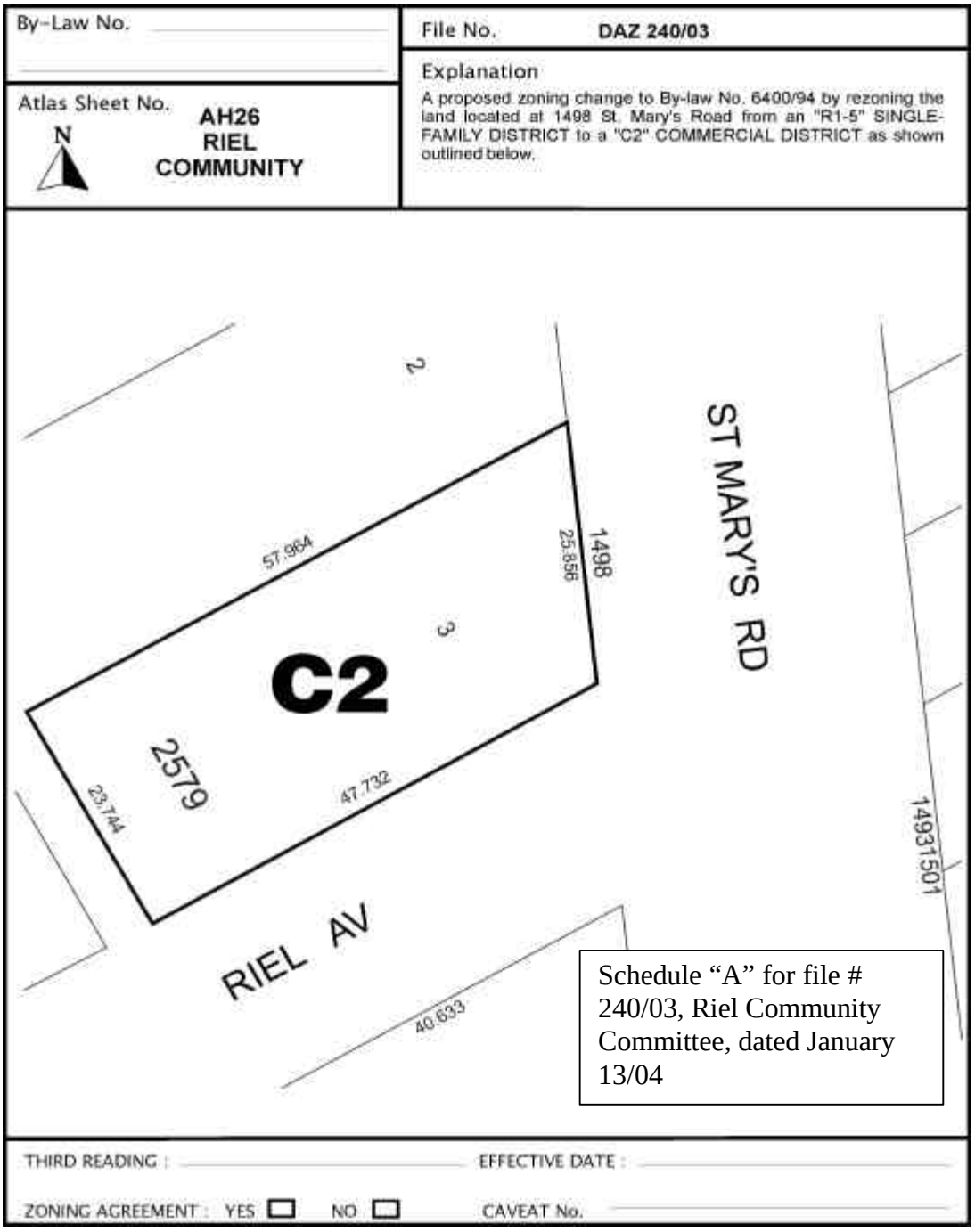
Final

Yours truly,

Chris Knoll
Manager of Planning and Land Use

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

/jc


By-Law No.
File No. DAZ 240/03
Explanation
A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1498 St. Mary's Road from an "R1-5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.
Atlas Sheet No.
AH26
RIEL
COMMUNITY
N
2
ST MARY'S RD
57.964
25.858
1498
3
C2
2579
23.744
47.732
RIEL AV
40.633
14931501
Schedule "A" for file # 240/03, Riel Community Committee, dated January 13/04
THIRD READING :
EFFECTIVE DATE :
ZONING AGREEMENT : YES NO
CAVEAT No.