Agenda - Council - April 21, 2004

Report - Standing Policy Committee on Property and Development - April 8, 2004

Item No. 2 Rezoning - 280 - 282 St. Anne's Road
File DAZ 201/2004

STANDING COMMITTEE RECOMMENDATION:

On April 14, 2004, the Executive Policy Committee concurred in the recommendation 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 201/2004 dated March 15, 2004, to a "C2" Commercial District.

2. That a ten (10) percent 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.

Agenda - Council - April 21, 2004

Report - Standing Policy Committee on Property and Development - April 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On April 14, 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 April 8, 2004 the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 22, 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 - 280 - 282 St. Anne's Road**
File DAZ 201/2004 [c/r DAV 110262/2004D]

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

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

Report date: **March 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 22, 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 201/2004 dated March 15, 2004, to a "C2" Commercial District.

2. That a ten (10) percent 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 March 15, 2004.

PUBLIC HEARING SUMMARY

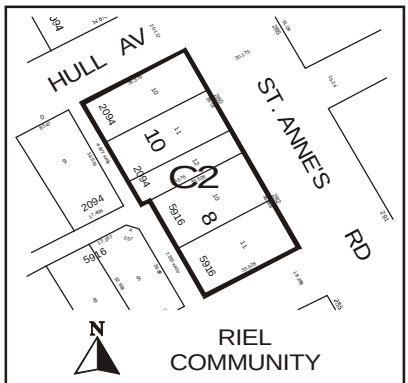
File: Rezoning - 280 - 282 St. Anne's Road
DAZ 201/2004 [c/r DAV 110262/2004D]

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Steeves

Public Hearing: March 22, 2004
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Chum Optical Ltd. (Somnalth Kenneth)

Subject:



APPLICANT: CHUM OPTICAL LTD.
FILE: DAZ 201/04
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : CHUM OPTICAL LTD.
N^{O}DE DOSSIER : DAZ 201/04
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 le lotissement à des fins commerciales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 280 - 282 St. Anne's Road

Exhibits Filed:

1. Application dated February 6, 2004
2. Notification of Public Hearing dated February 9, 2004
3. Manitoba Status of Titles 1349314 and 1349315
4. Surveyor's Building Location Certificate and sketch dated January 23, 1968
5. Letter of authorization dated January 21, 2004 from Robert A. Rose and Robert D. Rose to Somnalth Kenneth
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated March 15, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Somnalth Kenneth

In Opposition:

Nil

For the City:

K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Somnalth Kenneth appeared in support of the application.

Exhibit “7” referred to in File DAZ 201/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 201/04 March 15, 2004
Our c/f CP 500 (. 515)

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

Dear Mr. Marc Pittet:

REZONING
Location : 280/282 St. Anne’s Road
Riel Community Committee
File No. DAZ 201 /04

An application has been received from Chum Optical Ltd. On behalf of the owner Robert D. Rose, 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 an optical sales/service business and maintain an existing restaurant business.



RELATED FILES: DAV04110262D

4016

SITE DESCRIPTION:

Site Area:
Overall site area totals approximately 25,080 sq. ft.(or a little over half an acre). There is 230' of frontage along St. Anne's and 110 ' along Hull Avenue.

Existing Land Use and Zoning:
The area being rezoned is actually two parcels with two separate buildings but all under the same title. The most northerly building has a sit -down restaurant (Chicken Delight) , a Hair Stylist, and a Dollar Store. The building adjoining Lennox Ave. is occupied with a Grocery Store. The entire block is zoned C1 Commercial.

Surrounding Land Use and Zoning:

North: The land to the north is currently vacant and is the subject of an accompanying application to rezone to a C2 category (DAZ 209/04) to establish a banking institution.
South: The land to the south is zoned C2 Commercial and occupied with a small lineal mall.
East: Land to the east is zoned RM-4 Multiple and occupied with medium density apartment blocks.
West: To the west of the adjacent lane are established single family dwellings zoned R1-5 Residential.

DEVELOPMENT DESCRIPTION:
There is a duel purpose for the subject application. First of all, an optical sales and service business wishes to establish in the building on the most northerly half of the property. Under By-Law 6400/94, optical sales and service uses are not permitted under the C1 Commercial category. So procedurally, a rezoning to C2 is required. Additionally the restaurant use (Chicken Delight) at 280 St. Anne's Rd. was established by variance and that variance has expired and cannot be renewed. A rezoning to C2 is the only recourse for the owners of the aforementioned restaurant, if they are to continue operating at this location. Also even though 28 parking stalls are provided at the front and rear of the building, a variance is required for a marginal deficiency in parking under the By-law.

PLAN WINNIPEG:
The application is not in conflict with Plan Winnipeg policy. The site falls within a designated Neighbourhood Policy Area which allows for commercial development.

ADMINISTRATIVE COMMENTS:
The Planning and Land Use Division supports the proposed change in zoning for the following reasons: 1) most of the frontage lands along St. Anne's south of Fermor are now zoned C2 Commercial. 2) the Chicken Delight does not generate a great deal of traffic and to our knowledge, there have been no complaints from neighbouring residential properties. and 3) the proposed Optical Business is a low profile business which once again, does not generate much

activity or traffic. It should be noted that most of the business on this site are oriented towards St. Anne's Rd. with only a few parking stalls at the rear along the existing lane. Very little effectively changes with the zoning change and the change further allows the owner of the complex to remain competitive with other commercial areas along St. Anne's Road.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 201/04, attached hereto and dated March 15, 2004, 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/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 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

KL/jc

4018

By-Law No. _____

File No. **DAZ 201/04**

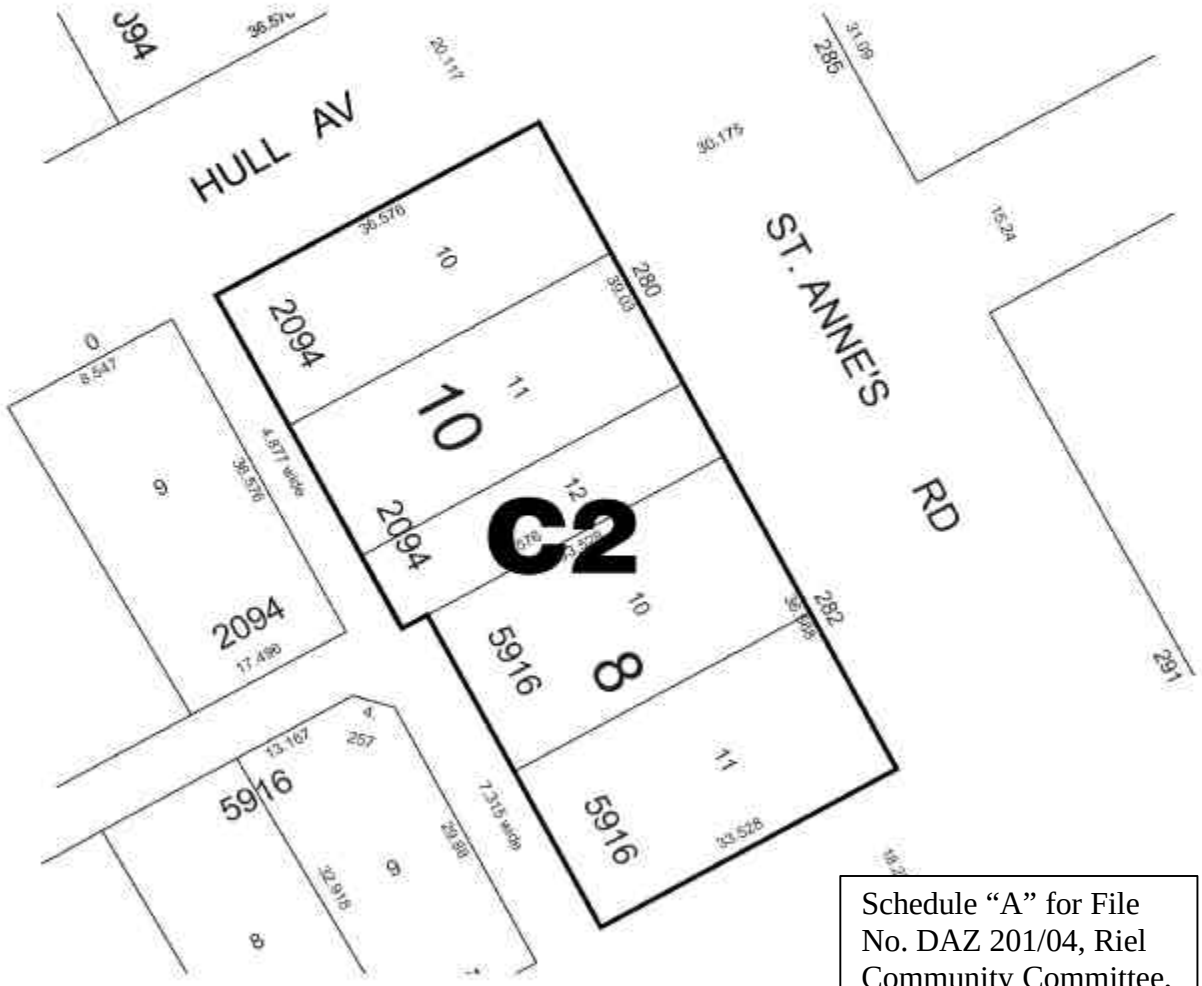
Atlas Sheet No.

N

AE27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 280/282 St. Anne's Road from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 201/04, Riel Community Committee, dated March 15/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____