Minute No. 349
Report - Standing Policy Committee on Property and Development - April 8, 2004

Item No. 3 **Rezoning - 2074 De Vries Avenue, northwest corner of Bonner Avenue**
File DAZ 202/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the rezoning application under File DAZ 202/2004 not be proceeded with.

Report - Standing Policy Committee on Property and Development - April 8, 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 April 14, 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 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 East Kildonan-Transcona Community Committee and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 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.

RE: **Rezoning - 2074 De Vries Avenue, northwest corner of Bonner Avenue**
File DAZ 202/2004

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

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

Report date: **March 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the rezoning application under File DAZ 202/2004 not be proceeded with.

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

1. The subject application may preclude future residential development in the area.

2. There is sufficient space in the front yard of the subject property for the applicant to continue the uses allowed under the “C2” zoning designation.

PUBLIC HEARING SUMMARY

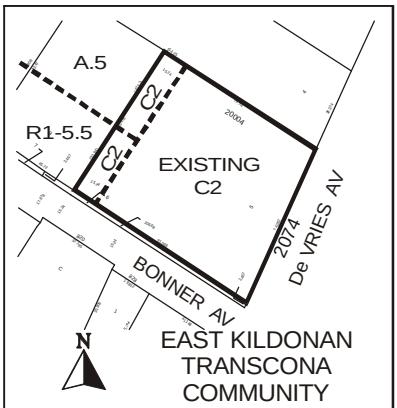
File: DAZ 202/2004

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

Public Hearing: March 16, 2004
Community Committee Chambers
755 Henderson Highway

Applicant: Cameron Funk
Pitblado

Subject:



APPLICANT : PITBLADO
FILE : DAZ 202/04
PROPOSAL : To rezone the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT and an "R1-5.5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to reflect the existing use.
For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected: 2074 De Vries Avenue, northwest corner of Bonner Avenue

Exhibits Filed:

1. Application dated January 23, 2004
2. Notification of Public Hearing dated January 28, 2004
3. Manitoba Status of Title 1926881
4. Surveyor's Building Location Certificate and Sketch dated August 11, 2001
5. Letter of authorization dated November 24, 2003 from Graziano Holding Corporation to Pitblado
6. Conditional Use Appeal Order DCU 319110A/2003C
7. Report from the Manager of Planning and Land Use dated February 12, 2004
8. Communication from Don Graziano, Graziano Holding Corporation, in support of the application
9. Inspection Report
10. Communication from Walter Naherny in opposition to the application

REPRESENTATIONS:

In Support:

Don Graziano, Graziano Holding Corp.

In Opposition:

Doug Henne
Walter Naherny

For Information:

E. Smith

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne appeared in opposition to the application, and advised that he is appearing on behalf of a developer that is examining a significant development between Bonner and Knowles Avenue. He expressed his opinion that the subject application could have a negative impact on the developers proposed venture between Bonner and Knowles Avenue, as well as on the existing neighbourhood. In this connection, he commented that the subject site is an eyesore and has a detrimental impact on the marketability of the site.

Walter Naherny appeared in opposition to the application, and read into the record his presentation, filed as Exhibit 10. He advised that he resides next door to the subject property, and commented that the residential area should be protected from the commercial activities that occur on the subject site. In this connection, he indicated that if the subject application were to proceed, he would have no separation from the business activities and noise conducted on the site.

Councillor Lubosch advised that enforcement action has been initiated regarding outside storage in the rear yard of the subject site, which is currently before the Courts.

A submission in support of the application was also received from Don Graziano, Graziano Holding Corporation (Exhibit 8).

Exhibit "7" referred to in File DAZ 202/2004

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 202/04 February 12, 2004
Our c/f CP 500 (.419)

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

Dear Ms. Skundberg:

REZONING
2074 De Vries Avenue
East Kildonan - Transcona Community Committee
File No. DAZ 202/04

An application has been received from Cameron Funk, to amend By-Law No. 6400/94 by rezoning the land shown below from an "A-5" Rural District and "R1-5.5" Residential District to a "C2" Commercial District to allow for different commercial uses on the subject property.

RELATED FILES: DAZ 229/75; DCU 319110A/2003C



SITE DESCRIPTION:

Site Area: 6279.732 square meters (67,596.684 square feet)

Existing Land Use and Zoning: Storage are for vehicles, parts, equipment, etc currently designated "A-5" Rural District and "R1-5.5" Residential District.

Surrounding Land Use and Zoning:

North: Vacant land, zoned "A-5".
South: Across Bonner Avenue, single family dwellings zoned "R1-20".
East: Lagimodierre Blvd.
West: Single Family Dwelling, zoned "R1-5.5".

DEVELOPMENT DESCRIPTION:

The applicant intends to use the subject land as a parking area for vehicles waiting repair.

PLAN WINNIPEG:

The subject property is located in a Neighbourhood Policy Area that permits the rezoning of residential and agricultural lands to any commercial category.

ADMINISTRATIVE COMMENTS:

This is a unique site in North Kildonan. The property that fronts De Vries Avenue is designated 'Commercial' yet the most westerly 50 foot of the rear yard has a different zoning designation (Agricultural and Residential). This situation has existed since at least 1975 when the previous owner made an application to rezone the subject site 'Commercial' in order to establish a tire repair shop (DAZ 229/75). The applicant owned the subject site, which at that time was a separate 50 foot wide lot that fronted Bonner, and the adjacent commercial property that fronted De Vries. The tire repair shop was constructed on the adjoining commercial property along De Vries and not the subject site as originally intended. The then owner decided the rezoning of the subject lands to be un-necessary and indicated a reluctance to enter into a zoning agreement. The application was not proceeded with, leaving the residential and agricultural zoning designations.

In the proceeding years, the subject site was incorporated with 2074 De Vries as the rear yard. The Planning Department notified the property owners several times over the years regarding the zoning designation for the subject site. This notification was in conjunction with enforcement issues regarding the use of the rear yard as a storage area for items such as dump trucks, petroleum tanks, loose aggregates, wood pallets, tires, rail ties, auto parts, trailers, building materials, salvage vehicles, etc. Storage of such items is not permitted in residential, agriculture or in 'C2'.

The commercial land fronting De Vries Avenue has had many uses in its history. Most recently it has become an Auto Repair Collision Centre with a variety of auto oriented businesses located in the multi-tenant building. Previous uses included the original as the 'Spud Stop' restaurant with a

grocery store in a small building on Birds Hill Road. A new building next to Bonner was constructed to house a tire shop. Gas pumps were added in the front yard and the grocery store evolved into a second hand store / furniture store in a new, larger building on the north side of the property. Landscapers, garden suppliers and a garden shop have been on site at one time or another. More recently, the gas pumps have been removed, and the restaurant recently closed down. A chain link fence has been erected around the periphery of the front yard. Enforcement action has been initiated regarding outside storage in the rear yard of 2074 De Vries. The matter is currently before the Courts. The proposed rezoning would allow parking in the rear yard for vehicles under repair, however, outside storage of auto parts, tires, wood pallets, etc. would NOT be permitted in "C2".

Residential houses have been constructed along both sides of Bonner extending to De Vries Avenue since the original Spud Shop opened. A previous applications was made to rezone the agricultural lands to the north with residential uses (DASZ 10/90). This application never proceeded. However, the Department fully expects these vacant lands to be developed as residential dwellings in the near future given the strong residential housing market currently being witnessed in Winnipeg.

The Planning and Land-Use Division is recommending rejection for the subject application. The Department is concerned that intensifying the commercial use of the site may deter future residential development, and cause further conflict with adjacent residential neighbours when the rear yard is used for storage as it has been in previous years. The proposed uses are more appropriate for "C3" Commercial Districts that intend 'to provide for highway commercial-type development, with a significant orientation to automobile and truck related-uses'. These type of uses – auto body repair – are also better situated in areas away from residential dwellings because conflicts occur with residents due to the noises, smells, and sights of land-use. There is also sufficient space in the front yard for the applicant to park vehicles that require repair, which is allowed under "C2" zoning.

RECOMMENDATION:

I. That By-law 6400/94 **NOT** be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 202/04, attached hereto and dated, February 12, 2004 to a "C2" Commercial District.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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

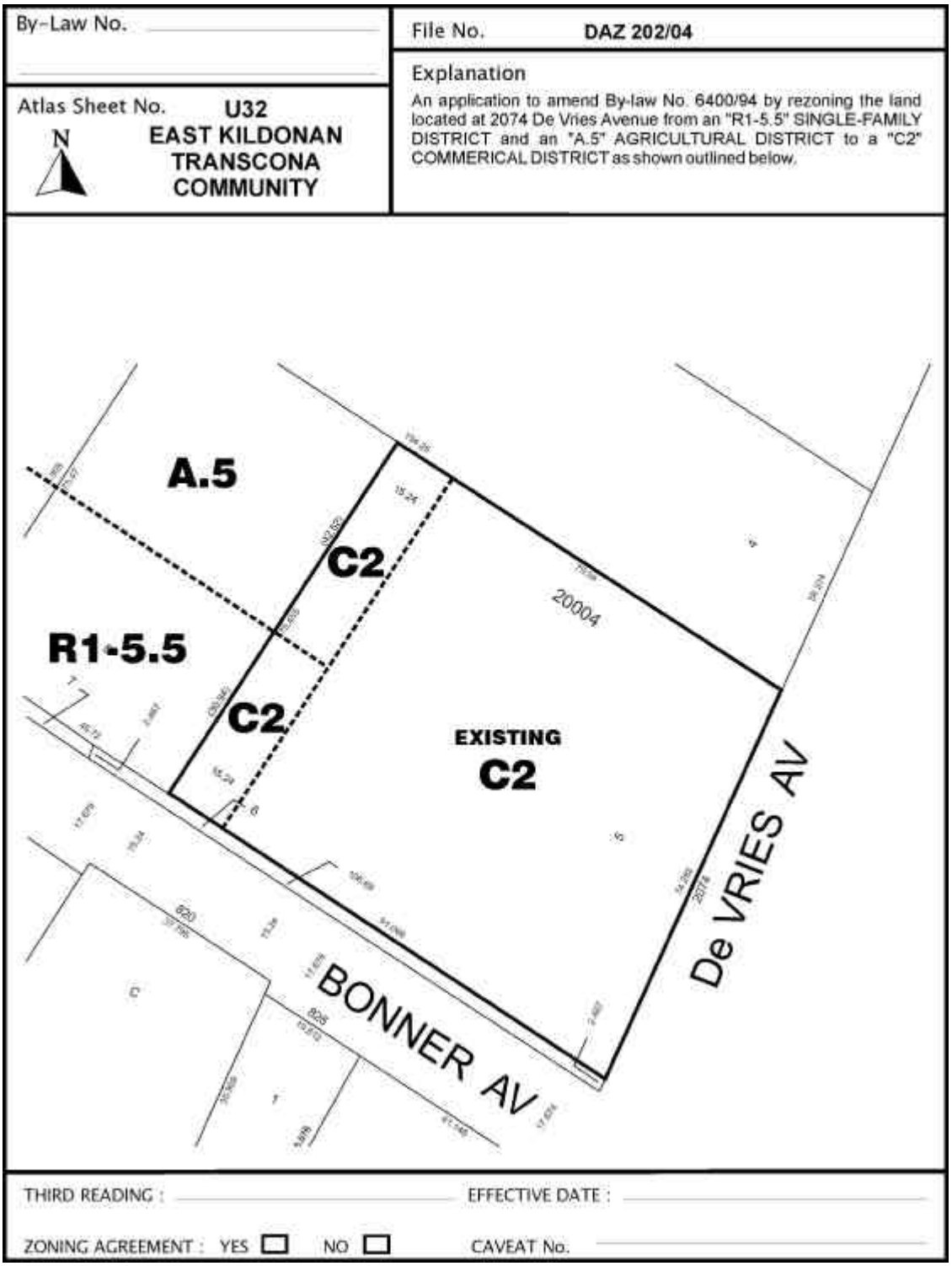

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAS 202/04, dated February 12, 2004.



Figure 2: Air photo of subject property.

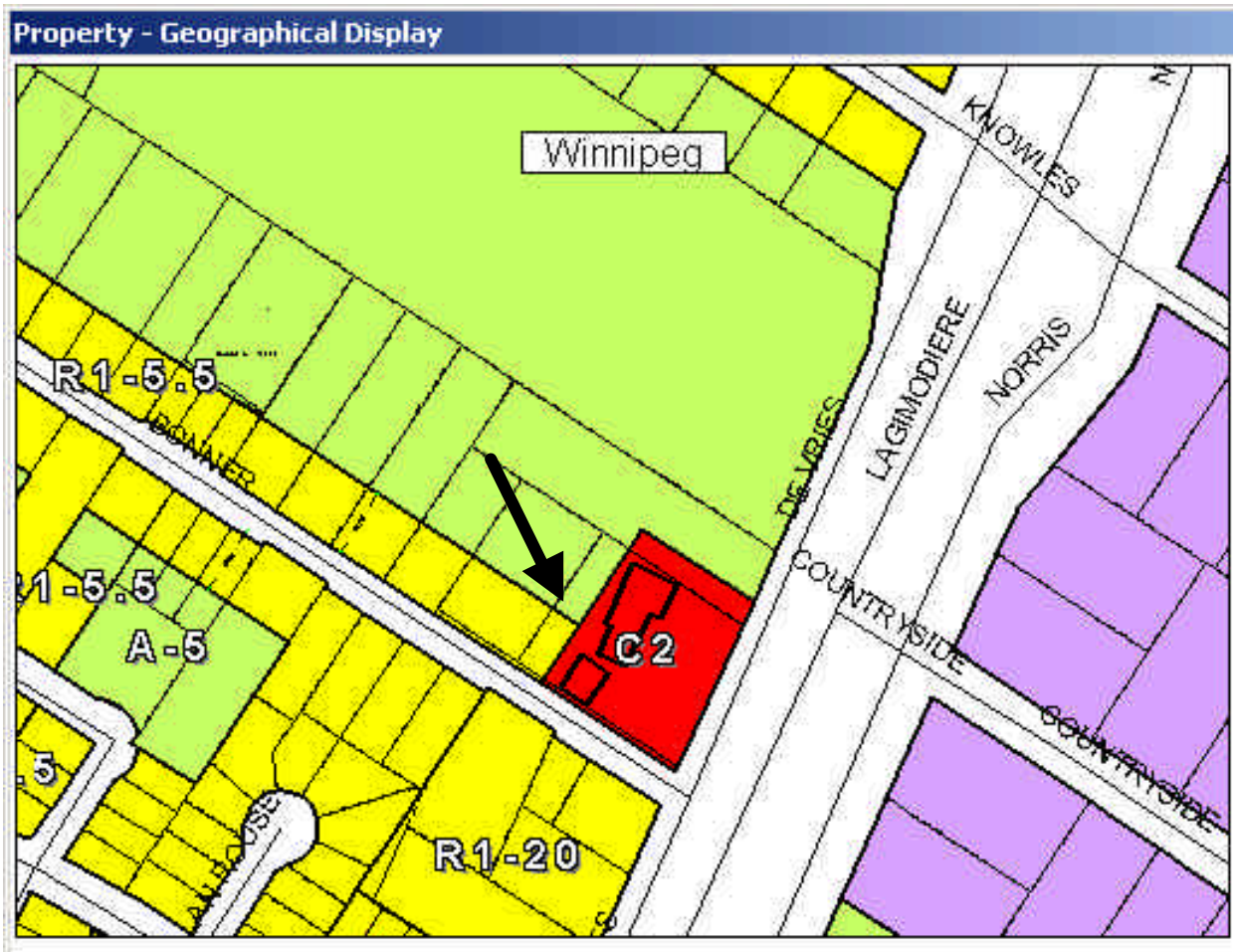

Figure 3: Zoning Map of subject property.



Figure 4: Rear yard behind 2074 De Vries looking south.



Figure 5: Rear yard behind 2074 De Vries.



Figure 6: Front yard for 2074 De Vries.