Minutes - Executive Policy Committee - May 12, 2004

Minute No. 365
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 6 Zoning Agreement Amendment - 5924 Roblin Boulevard
File ZAA 3/2004 (c/r DAZ 225/98)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That Zoning Agreement File DAZ 225/98 (By-law No. 7480/99) dated January 10, 2000, be amended by replacing the current Clause 4:

   "4. In accordance with the City of Winnipeg By-law No. 7481/99 passed by Council on July 19, 1999, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected or maintained on the land within fifteen (15) feet of Roblin Boulevard."

   with the following revised Clause 4:

   "4. That no building or structure shall be erected on the land within fifteen (15) feet of Roblin Boulevard, except that business identification signs are permitted within the fifteen (15) feet and that such signs be removed at the owner's expense at such time as the City of Winnipeg acquires the land."

2. That no mobile advertising signs and/or mobile poster signs be permitted on the subject land.

3. That By-law No. 7481/99 be repealed.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 225/98 (By-law No. 7480/99), dated July 6, 1998, as approved in aforesaid Recommendation 1.

5. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

6. 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 - April 27, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 6, 2004, the Assiniboia Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 5924 Roblin Boulevard**
File ZAA 3/2004 [c/r DAZ 225/98 and DAV 383/98]

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

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **April 15, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee concurred in the revised administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement File DAZ 225/98 (By-law No. 7480/99), dated January 10, 2000 be amended by replacing the current Clause 4:

   "4. In accordance with the City of Winnipeg By-law No. 7481/99 passed by Council on July 19, 1999, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected or maintained on the land within fifteen (15) feet of Roblin Boulevard**."**

   with the following revised Clause 4:

   "4. That no building or structure shall be erected on the land within fifteen (15) feet of Roblin Boulevard, except that business identification signs are permitted within the fifteen (15) feet and that such signs be removed at the owner's expense at such time as the City of Winnipeg acquires the land."

2. That no mobile advertising signs and/or mobile poster signs be permitted on the subject land.

3. That By-law No. 7481/99 be repealed.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 225/98 (By-law No. 7480/99), dated July 6, 1998, as approved in aforesaid Recommendation 1.

5. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

6. 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 Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the revised report of the Manager of Planning and Land Use dated March 1, 2004.

PUBLIC HEARING SUMMARY

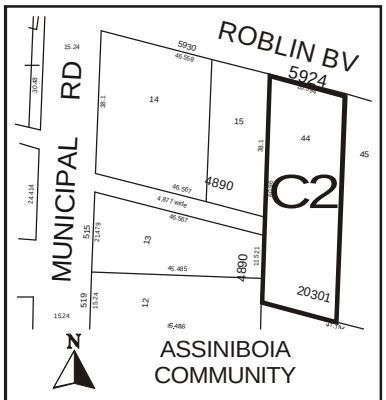
File: ZAA 3/2004 [c/r DAZ 225/98 and DAV 383/98]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: April 6, 2004
March 9, 2004
Council Building, 510 Main Street

Applicant: Ron Porath

Subject:



APPLICANT : MR. R. PORATH
FILE : ZAA 3/04
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit the maintenance of a free standing sign located within fifteen (15) feet of the south limit of Roblin Boulevard and to repeal By-law 7481/99. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 5924 Roblin Boulevard

Exhibits Filed:
1. Application dated February 2, 2004
2. Notification of Public Hearing dated February 6, 2004
3. Manitoba Status of Title 1594329

4. Surveyor's Building Location Certificate and sketch dated October 8, 1999
5. Letter of authorization dated September 8, 2003 from the co-owners Debbie and Ron Porath
6. Zoning Agreement DAZ 225/98
7. Plan
8. Report from the Manager of Planning and Land Use dated March 1, 2004
9. Revised Report from the Manager of Planning and Land Use dated March 1, 2004
10. Inspection Report

REPRESENTATIONS:

In Support:

Ron Porath

In Opposition:

Nil

For the City:

Ms M. Christiuk, Planner, Planning, Property and Development Department
Ms J. East, Coordinator Urban & Neighbourhood Planning,
Planning, Property and Development Department
Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

March 9, 2004

No persons registered with respect to the application

April 6, 2004

The Applicant, Ron Porath appeared in support of the application.

Councillor Clement stated that he did not have a concern with the sign. He stated concerns with the wording in the report of the Manager of Planning and Land Use, and that it could be interpreted to allow the building line within 15 feet of the south limit of Roblin Boulevard.

The Senior Planner sated that the 15 feet requirement was covered in the by-law and the applicant would need a zoning variance to build within that area.

Mr. Porath inquired as recommendation 2 as he has a sandwich sign he uses four times a year.

The Senior Planner stated that a sandwich sign was not considered a mobile sign.

Exhibit “8” referred to in File ZAA 3/2004

In reply please refer to / Référence à rappeler: **Name Marsha Christiuk**
(204) 986-7728
Fax / Téléc.: (204) 986-7524

File No. ZAA 3/04 March 1, 2004
Our c/f CP 500 (.633)

Josie Marques, Community Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
5924 Roblin Boulevard
Assiniboia Community

File No. ZAA 3/04

An application has been received from Ron Porath, to amend the Zoning Agreement affecting the property shown below.

RELATED FILES: DAZ 225/98; DAV 383/98



6050

SITE DESCRIPTION:

Dimensions: 67.52 feet (20.58 metres) of frontage on Roblin Boulevard

Site Area: approximately 13,512 square feet

Existing Land Use and Zoning: single family dwelling and martial arts studio; zoned "C2" Commercial District

DEVELOPMENT DESCRIPTION:

The land was rezoned under DAZ 225/98 from "R1-20" Residential District to "C2" Commercial District. The administration supported the rezoning, but the uses were restricted to a dwelling unit and a martial arts studio only. Public Works did not object to the application, but it was on condition that the applicant dedicate and legally open property for a 15 foot (4.572 metre) widening to Roblin Boulevard.

On July 19, 1999, Council rescinded the dedication of the street widening upon the advice of Legal Services that the City of Winnipeg Act does not permit dedication of land to be taken on a rezoning for the creation or widening of streets.

ADMINISTRATIVE COMMENTS:

The sign has existed on the property since at least 2001. A "C2" Commercial District permits a 0 foot front yard, with no setback required for signage. Assiniboine Credit Union, the immediate neighbour to the west at 5930 Roblin Boulevard, has a sign within the 15-foot setback.

The administration is of the opinion that By-law 7481/99 be repealed to allow for the maintenance of a free standing sign located within the fifteen (15) feet of the south limit of Roblin Boulevard provided that the owner assumes responsibility for any costs associated with the removal of the sign at such time as the City acquires the 15 foot strip.

RECOMMENDATION:

I. That Zoning Agreement DAZ 225/98 (By-Law #7481/99), dated July 6, 1998, be amended as follows by permitting a free standing sign located within the fifteen (15) feet of the south limited of Roblin Boulevard provided that the sign is removed at the owner's expense at such time the City of Winnipeg acquires the land.

II. That no mobile advertising signs and/or mobile poster signs be permitted on the subject land.

III. That By-law 7481/99 be repealed.

IV. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 225/98 (By-Law #7481/99), dated July 6, 1998, as approved in aforesaid Clause I.

V. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

_____
Marsha Christiuk, Planner

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Draft J. East

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E. Axelrod

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C. Torpey

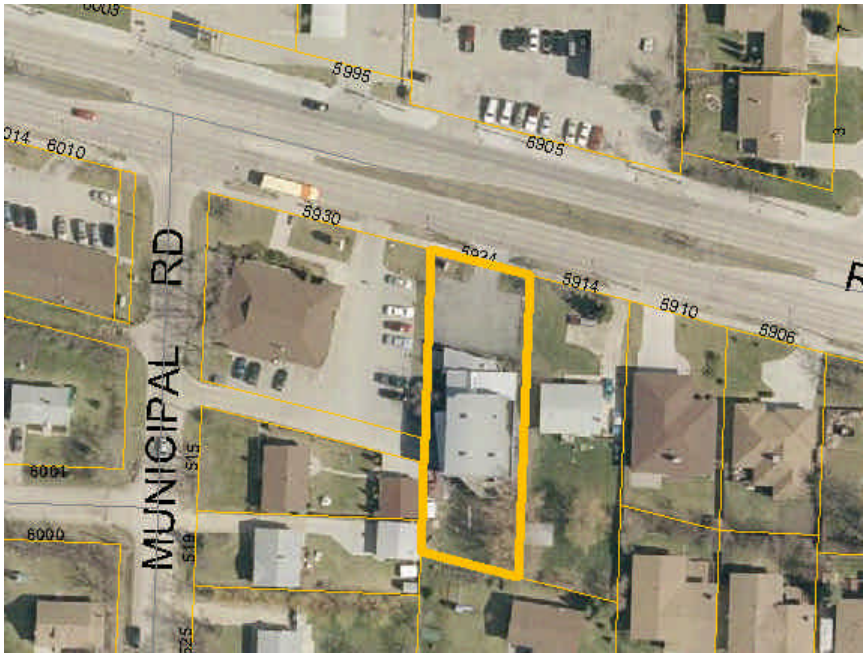
Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Marsha Christiuk, Planner
(Assiniboia Community)
986-7728

6052



5924 Roblin Boulevard



Sign at 5924 Roblin Boulevard (February 26, 2004)



6054

Sign at 5924 Roblin Boulevard with Credit Union sign in distance (February 26, 2004)

Exhibit “9” referred to in File ZAA 3/2004

In reply please refer to / Référence à rappeler: **Marsha Christiuk (204) 986-7728**
Fax / Téléc.: (204) 986-7524

REVISED

File No. ZAA 3/04 March 1, 2004
Our c/f CP 500 (.633)

Josie Marques, Community Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
5924 Roblin Boulevard
Assiniboia Community

File No. ZAA 3/04

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On July 19, 1999, Council rescinded the dedication of the street widening upon the advice of Legal Services that the City of Winnipeg Act does not permit dedication of land to be taken on a rezoning for the creation or widening of streets.

The dedication clause was replaced by By-law 7481/99, passed pursuant to section 518 of the City of Winnipeg Act, which provided that no building or structure could be erected with the future street widening.

ADMINISTRATIVE COMMENTS:

The sign has existed on the property since at least 2001. A "C2" Commercial District permits a zero foot front yard, with no setback required for signage. Assiniboine Credit Union, the immediate neighbour to the west at 5930 Roblin Boulevard, has a sign within the 15-foot setback.

The administration is of the opinion that By-law 7481/99 be repealed to allow for the maintenance of a free standing sign located within the fifteen (15) feet of the south limit of Roblin Boulevard provided that the owner assumes responsibility for any costs associated with the removal of the sign at such time as the City acquires the 15 foot strip.

RECOMMENDATION:

1. That Zoning Agreement DAZ 225/98 (By-Law #7480/99), dated January 10, 2000 be amended by replacing the current Clause 4:
    i. In accordance with the City of Winnipeg By-Law No. 7481/99 passed by Council on July 19, 1999, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected or maintained on the land within fifteen (15) feet of Roblin Boulevard

with the following revised Clause 4:

4. That no building or structure shall be erected on the land within fifteen (15) feet of Roblin Boulevard, except that business identification signs are permitted within the fifteen (15) feet and that such signs be removed at the owner's expense at such time as the City of Winnipeg acquires the land.

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Marsha Christiuk, Planner

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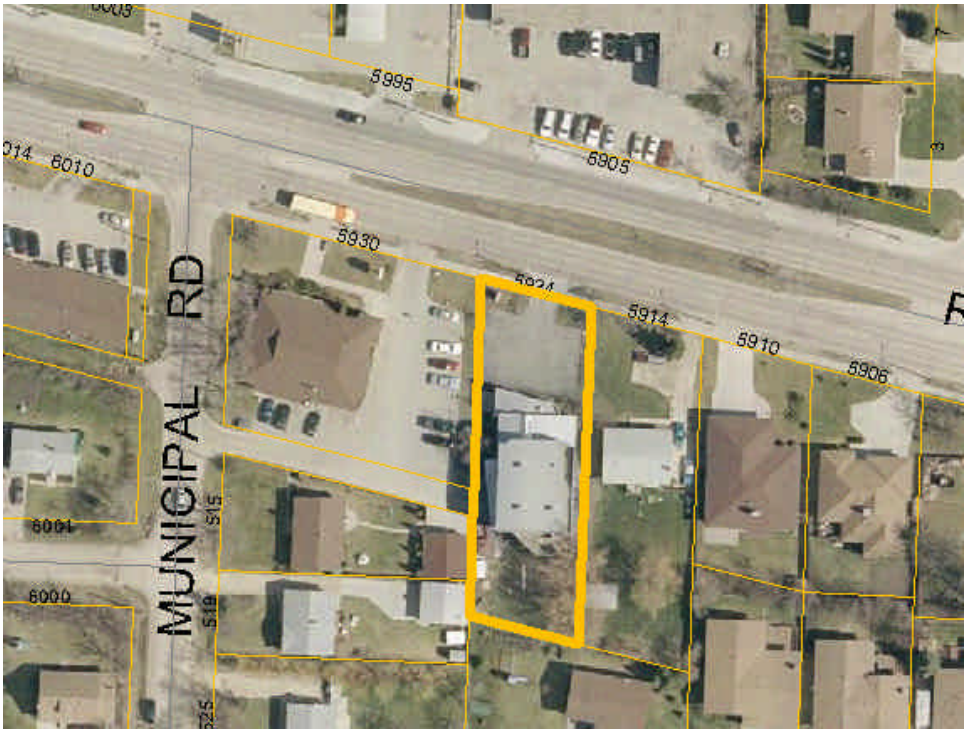
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C. Torpey

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Marsha Christiuk, Planner
(Assiniboia Community)
986-7728



5924 Roblin Boulevard



Sign at 5924 Roblin Boulevard (February 26, 2004)



Sign at 5924 Roblin Boulevard with Credit Union sign in distance (February 26, 2004)