Minute No. 369
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 10 Zoning Agreement Amendment - 1717 Pembina Highway
File ZAA 5/2004 (c/r DAZ 151/73)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That Zoning Agreement File DAZ 151/73 (By-law No. 651/74) dated April 3, 1974, be amended by adding the following use to the list of permitted uses under Clause No. 2, Part viii:
   - Automotive, including motorcycle: supplies/parts, sales.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 151/73 (By-law No. 651/74) dated April 3, 1974, as approved in aforesaid Recommendation 1.

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

4. 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.

Minutes - Executive Policy Committee - May 12, 2004

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 City Centre 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 City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2004, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Zoning Agreement Amendment - 1717 Pembina Highway
ZAA 5/2004 [c/r DAZ 151/73, DAV 109419/2004D]

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

Prepared by: Josie Marques, Clerk,
City Centre Community Committee

Report date: April 16, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2004, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement File DAZ 151/73 (By-law No. 651/74), dated April 3, 1974, be amended by adding the following use to the list of permitted uses under Clause No. 2, Part viii:

    - Automotive, including motorcycle: supplies/parts, sales

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 151/73 (By-law No. 651/74) dated April 3, 1974, as approved in aforesaid Recommendation 1.

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

4. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 30, 2004.

PUBLIC HEARING SUMMARY

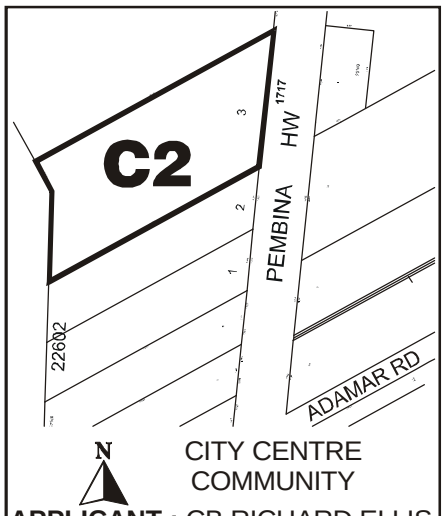
File: ZAA 5/2004 [c/r DAZ 151/73, DAV 109419/2004D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Steek

Public Hearing: April 13, 2004
North Committee Room
Council Building, 510 Main Street

Applicant: CB Richard Ellis (Shaun Rocan)

Subject:



APPLICANT : CB RICHARD ELLIS
FILE : ZAA 5/04
PROPOSAL : To amend the Zoning Agreement affecting the land outlined above by deleting the list of permitted uses and allowing all "C2" COMMERCIAL DISTRICT uses. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 1717 Pembina Highway

Exhibits Filed:
1. Application dated March 2, 2004
2. Notification of Public Hearing dated March 5, 2004
3. Manitoba Status of Title 1296997
4. Surveyor's Building Location Certificate and sketch dated November 4, 1992

5. Letter of authorization dated February 11, 2004 from W.H. Fraser, 2792800 Canada Limited, to Shaun Rocan, CB Richard Ellis
6. Copy of Caveat Forbidding Registration January 21, 1981
7. Plan (1 page)
8. Report from the Manager of Planning and Land Use dated March 30, 2004
9. Inspection Report

REPRESENTATIONS:

In Support:

Carey M. Chartier
Rennie Zegalski

In Opposition:

Nil

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No verbal representation was made at the public hearing.

Exhibit “8” referred to in File ZAA 5/2004 [c/r DAZ 151/73, DAV 109419/2004D]

In reply please refer to / Référence à rappeler:

Ross Mitchell
(204) 986-5017
Fax / Téléc.: (204) 986-7524

File No. ZAA 5/04 March 30, 2004
Our c/f CP 500 (1.643)

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

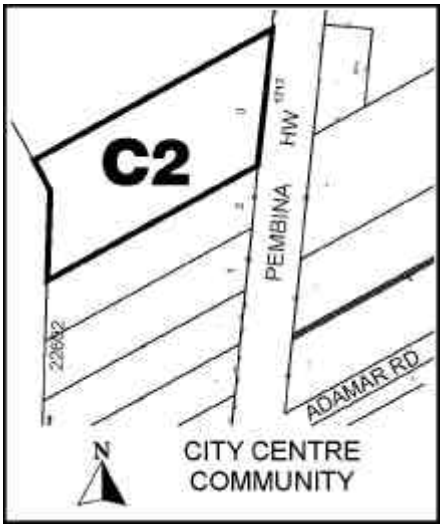
Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
1717 Pembina Highway
Assiniboia Community

File No. ZAA 5/04

An application has been received from Shaun Rocan of CB Richard Ellis, to amend the Zoning Agreement affecting the property shown below.

RELATED FILES: DAV 04-1094179D



SITE DESCRIPTION:

Dimensions: 353 feet (107.6 metres) of frontage on Pembina Highway

Site Area: 4.2 acres

Existing Land Use and Zoning: The subject property is zoned "C2" and features an "L" shaped strip mall with a variety of tenants including Value Village, Peace Garden Chinese restaurant, Fellowship Book Centre, World of Water, One Price cleaners, Domino's Pizza, Dollar Store, Megna Grocery, and Mrs. Twitchette's Needlework. The property also contains a vacant, free-standing restaurant at its northeast corner, which was formerly a Burger King and is the focus of the current application. The site is accessed off Pembina Highway via right-in and right-out approaches and a bi-directional approach.

DEVELOPMENT DESCRIPTION:

The property is subject to a Zoning Agreement that prohibits automotive uses including the sale of auto parts. The applicant wishes to either delete that clause of the Zoning Agreement listing permitted uses, or add to the list the following use: Automobile including motorcycle: supplies/parts, sales. The Urban Planning Branch is prepared to support an amendment whereby the list of permitted uses is expanded to include the sale of automotive parts. The Branch is of the opinion that a Zoning Agreement with permitted uses is necessary in view of the proximity to and exposure of the residential apartments to the north.

A related parking variance is being dealt with under Zoning Variance DAV 04-109419D. The existing building has a floor area of about 3,980 square feet. The proposal is to add another 2,000 square feet to the rear of the building, and to redevelop the site area surrounding the building to accommodate additional parking. The site redevelopment will include replacing the existing drive-through lane with parking against the west side of the building, and replacing a portion of the landscaping in front of the building with parking. It has been determined that, with the proposed Burger King redevelopment, the development is still 25 parking spaces short of the zoning requirement based on the existing tenants in the strip mall. However, the Branch is of the opinion that the commercial site can accommodate the proposed use without negatively impacting the other mall tenants and adjacent properties. The Burger King had a parking requirement of 1 space per 100 square feet of floor area (40 spaces). The proposed autoparts store, or similar retail use, has a parking requirement of 1 stall per 250 square feet of floor area (25 stalls with the expansion). Therefore, theoretically, the proposed redevelopment may ease the parking demand on the site.

RECOMMENDATION:

I. That Zoning Agreement DAZ 151/73 (By-Law #651/74), dated, April 3rd, 1974, be amended by adding the following use to the list of permitted uses under Clause No. 2, Part viii:

- Automotive, including motorcycle: supplies/parts, sales

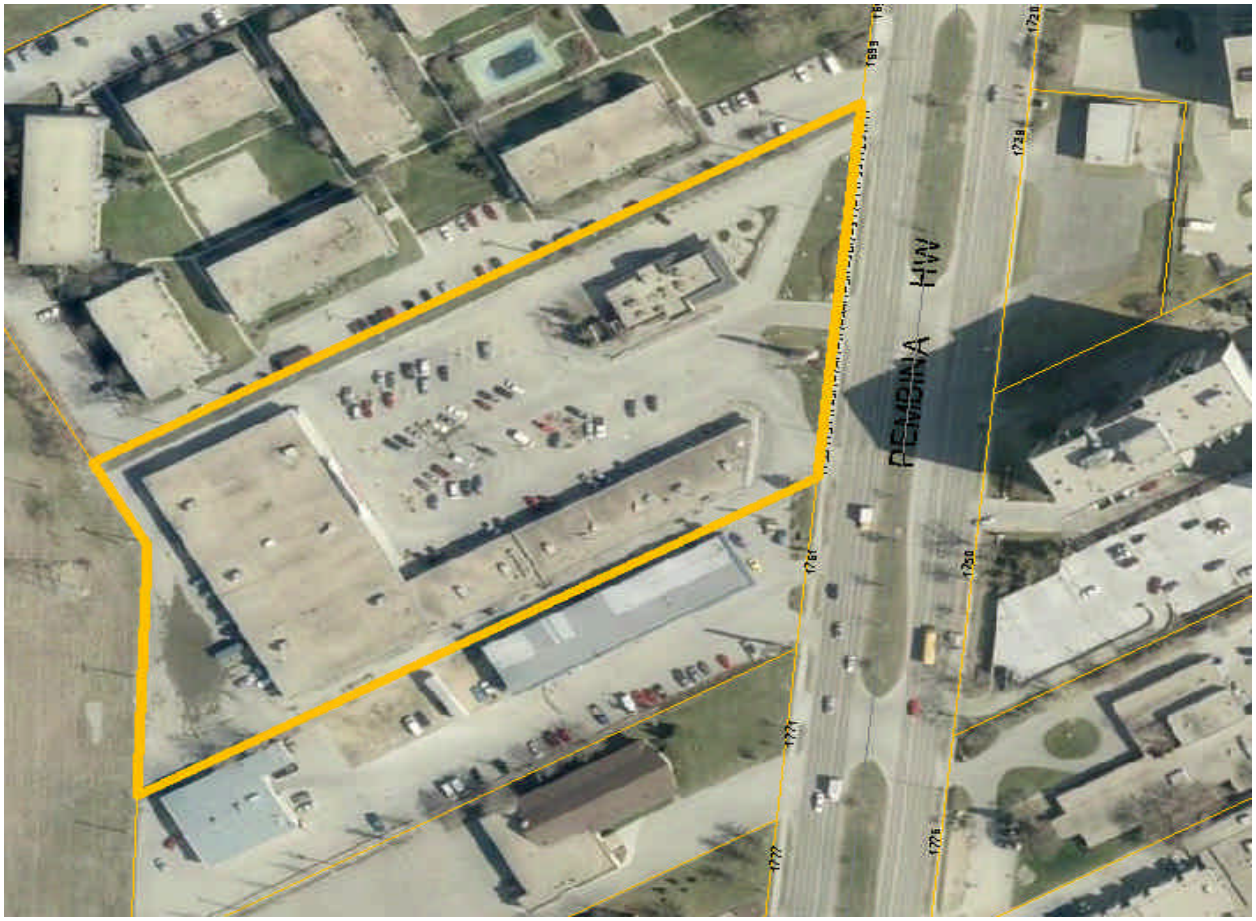
II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 151/73 (By-Law #651/74), dated April 3rd, 1974, as approved in aforesaid Clause I.

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

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

Yours truly,

C. Knoll
Manager of Planning and Land Use



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