Minute No. 392
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 11 Subdivision and Rezoning - 698 - 700 St. Anne's Road and 119 Compark Road File DASZ 3/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That the plan of subdivision proposed under File DASZ 3/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2004 dated May 11, 2004, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 3/2004 dated May 11, 2004, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

    A. That hours of operation be limited to 8:00 a.m. to 6:00 p.m. Monday to Friday and 8:00 a.m. to 2:00 p.m. on Saturdays.

    B. That a solid six (6) foot fence be constructed and maintained along the entire west property line and along the most westerly fifty (50) feet of the south property line of the newly consolidated lot.

    C. That a mix of deciduous and coniferous trees be planted along the inside the proposed west fence line between the existing most westerly garage and the southwest corner of the newly consolidated lot.

    D. That both proposed fencing and tree planting be in place prior to the issuance of any building permits.

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

4. That prior to the release of the mylars for registration in the Winnipeg Land Titles Office the applicant shall, at no expense to the City, cut off and abandon the existing water and sewer service connections at 119 Compark Rd.

5. 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 market value of the proposed new lot (which is a consolidation of the existing "R1-4" Residential District parcel and the existing "C1" Commercial District parcel, [if applicable]).

6. 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.

7. That the City Solicitor/ Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8 That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twenty-four (24) months of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 8, 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 May 18, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 698 - 700 St. Anne's Road and 119 Compark Road File DASZ 3/2004 [c/r DAV 116028/2004D and DCU 115899/2004D]**

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

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

Report date: **May 20, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 3/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2004 dated May 11, 2004, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 3/2004 dated May 11, 2004, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

    A. That hours of operation be limited to 8:00 a.m. to 6:00 p.m. Monday to Friday and 8:00 a.m. to 2:00 p.m. on Saturdays.

    B. That a solid six (6) foot fence be constructed and maintained along the entire west property line and along the most westerly fifty (50) feet of the south property line of the newly consolidated lot.

    C. That a mix of deciduous and coniferous trees be planted along the inside the proposed west fence line between the existing most westerly garage and the southwest corner of the newly consolidated lot.

    D. That both proposed fencing and tree planting be in place prior to the issuance of any building permits.

4. That prior to the release of the mylars for registration in the Winnipeg Land Titles Office the applicant shall, at no expense to the City, cut off and abandon the existing water and sewer service connections at 119 Compark Rd.

5. 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 market value of the proposed new lot (which is a consolidation of the existing "R1-4" Residential District parcel and the existing "C1" Commercial District parcel, [if applicable]).

6. 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.

7. That the City Solicitor/ Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8 That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twenty-four (24) months of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 May 11, 2004.

PUBLIC HEARING SUMMARY

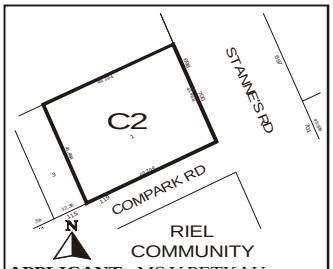
File: DASZ 3 /2004 [c/r DAV 116028/2004D and DCU 115899/2004D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Angus

Public Hearing: May 18, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Valerie Petkau

Subject:



APPLICANT: MS V PETKAU
FILE: DASZ 3/04
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above, as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-4" SINGLE-FAMILY DISTRICT and 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 : MS V. PETKAU
N° DE DOSSIER : DALZ 3/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-4 (SECTEUR D'HABITATIONS UNIFAMILIALES) et 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: 698 - 700 St. Anne's Road and 119 Compark Road

Exhibits Filed:

1. Application dated March 26, 2004
2. Notification of Public Hearing dated March 31, 2004
3. Manitoba Status of Titles 1597903, 1597907
4. Surveyor's Building Location Certificate and sketch dated February 4, 2004
5. Letter of authorization dated January 21, 2004 from Robert and Joanne Gordon to David and Valerie Petkau
6. Site Plan
7. Plans (4 pages)
8 Report from the Manager of Planning and Land Use dated May 11, 2004
9 Inspection Report

REPRESENTATIONS:

In Support:

Rob Gordon
Valerie and David Petkau

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Valerie and David Petkau appeared in support of the application and provided an overview of the proposal. Ms. Petkau questioned the charge for land dedication and whether or not it should apply to this application as part of the building would be used as a residence. Councillor Angus explained that, despite its proposed use, the property would increase in value with the new zoning designation.

Exhibit "8" referred to in File DASZ 3/2004 [c/r DAV 116028/2004D and DCU 115899/2004D]

In reply please refer to / Référence à rappeler : **Kevin Lalor**
(204) 986-5069
Fax / Téléc. : (204) 986-7524

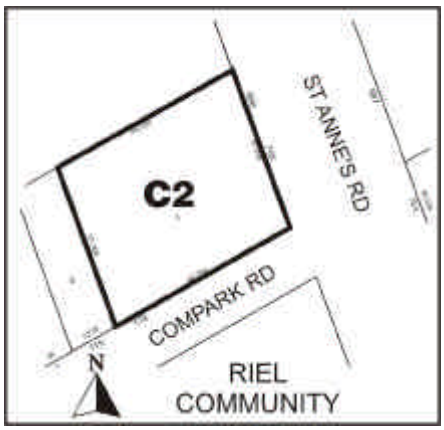
File No. DASZ 3/04 May 11, 2004
Our c/f CP 500 (.554)

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

Dear Mr. Pittet :

SUBDIVISION AND REZONING
Land located : 698/700 St. Annes Rd.
Riel Community
File No. DASZ 3/04

An application has been received from Valerie Petkall for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an " R1-4" Residential District and a " C1" Commercial District to a " C2" Commercial District to permit the maintenance of an existing single family dwelling and the establishment of an auto diagnostics business.



RELATED FILES:
DCU04115899D
DAV04116028D

SITE DESCRIPTION:

Site Area:

The overall site area totals approximately 22,170 sq.ft. or just under a half acre.

Existing Land Use and Zoning:

There is a garage on the most westerly portion of the site which is zoned R1-4 Residential. The most southerly half of the remaining portion has been occupied by an electrical contracting business zoned C1 Commercial and the northern portion of the existing C1 lot is occupied by a dwelling. There are accesses to both Compark and to St. Annes Rd.

Surrounding Land Use and Zoning:

North: To the north is a large complex of buildings and large parking area zoned A-5.
South: To the south is a large area which has been rezoned C2 and is about to be developed for a range of commercial uses.
East: To the east are multiple family complexes zoned RM-2 and several businesses zoned C2 Commercial.
West: To the west are established single family residences.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to consolidate both the R1-4 property containing the garage and the entire C1 property which currently has a business and a house. He then intends to move his auto diagnostics business from the east side of St. Annes Rd. onto the premises and expand the work area. He will live in the dwelling which currently occupies the site. No new approaches onto the site are proposed. He has operated on the across road site for five and a half years and has a customer base of 2500 .

PLAN WINNIPEG:

The land in question falls within a Neighbourhood Policy Area which permits the processing of applications for commercial development.

ADMINISTRATIVE COMMENTS:

The property has been operated by businesses for some time and there do not appear to have been any complaints by adjoining neighbours. In fact businesses on the subject corner preceded the construction of neighbouring homes along Compark Rd. The new business(Dave's Auto Diagnostics) is slightly different in that it will be a larger scale business than those previous and

will be generating more traffic onto the site. In defense of the business, they will only be operating between the hours of 8 am to 6 pm Monday to Friday and 8 am to 2 pm on Saturdays. This Department does not, in principle, oppose the consolidation of the two adjoining lots or the rezoning to C2. We are somewhat concerned that the increase in activity and the proximity of the new 4-bay garage may have an adverse effect on the immediate neighbours at 115 Compark Rd. With that in mind, we will be recommending by way of a zoning agreement that a 6' solid wood fence be established and maintained along the entire west property line of the newly consolidated lot and similarly along the most westerly 50' of the south property line. We will also be recommending that a mix of deciduous and coniferous trees (minimum 6' in height) be planted inside the aforementioned fence along the westerly property line between the existing most westerly garage and the SW corner of the new consolidated lot.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 3/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 3/04, attached hereto and dated May 11/04, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 3/04, attached hereto and dated May 11/04, to an "C2" Comercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That hours of operation be limited to 8 am to 6 pm Monday to Friday and 8 am to 2 pm on Saturdays.

B. That a solid 6' fence be constructed and maintained along the entire west property line and along the most westerly 50 feet of the south property line of the newly consolidated lot.

C. That a mix of deciduous and coniferous trees be planted along the inside the proposed west fence line between the existing most westerly garage and the SW corner of the newly consolidated lot.

D. That both proposed fencing and tree planting be in place prior to the issuance of any building permits.

IV. That prior to the release of the mylars for registration in the Winnipeg Land Titles Office, the applicant shall , at no expense to the City, cut off and abandon the existing water and sewer service connections at 119 Compark Rd.

V. That a 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 market value of the proposed new lot (which is a consolidation of the existing R1-4 Residential parcel and the existing C1 Commercial parcel, (if applicable).

VI. 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.

VII. That the City Solicitor/ Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

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

/jc

2156

By-Law No. _____

File No. **DASZ 3/04**

Atlas Sheet No. **AH28**
RIEL COMMUNITY

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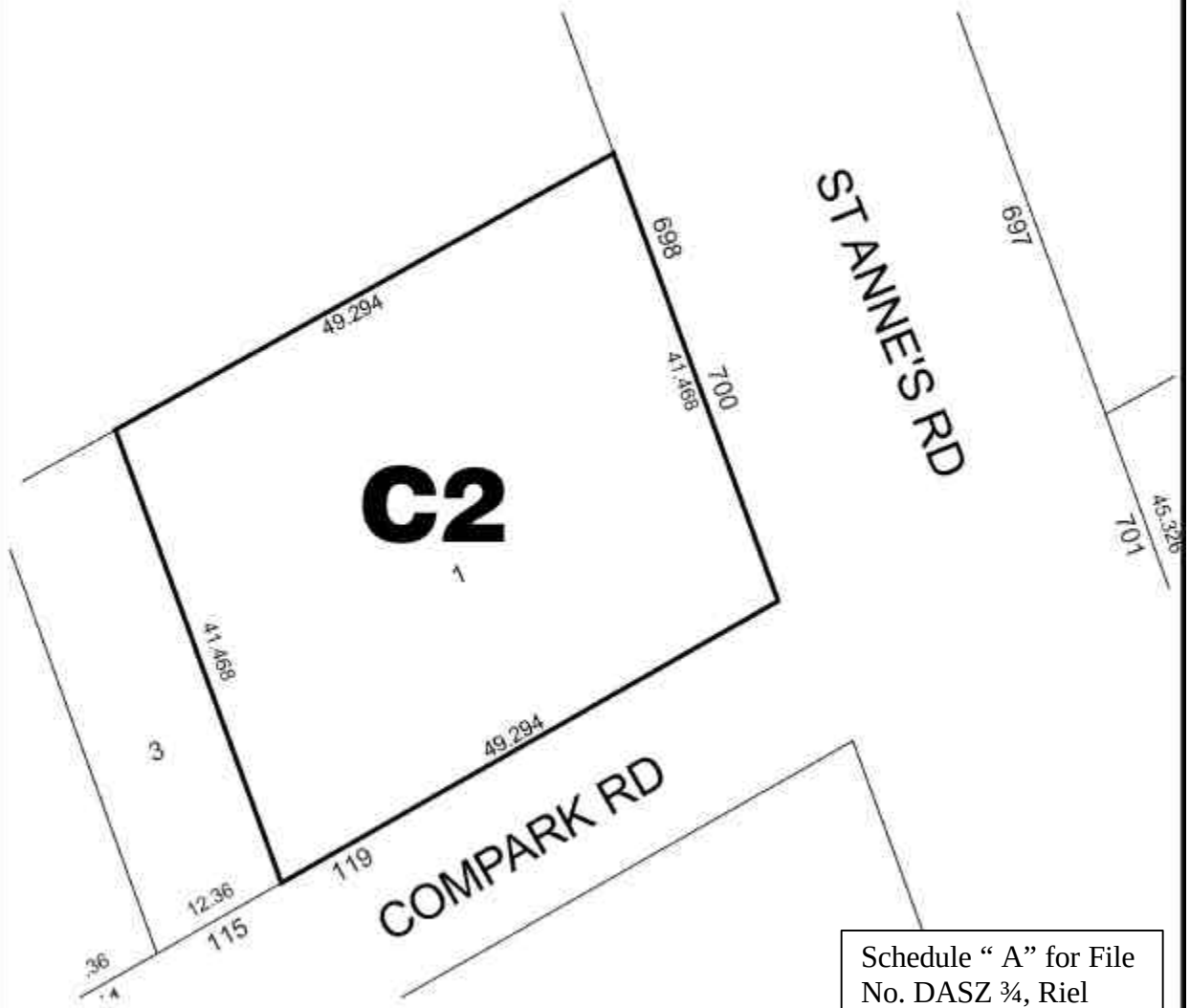
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 698-700 St. Anne's Road from an "R1-4" SINGLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DASZ ¾, Riel CC, dated May11/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____