Minute No. 404
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 23 Rezoning - 825 Sherbrook Street
File DAZ 224/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 224/2004 dated April 30, 2004, to a "C2" Commercial District subject to the applicant entering into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Lord Selkirk - West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That land usage be restricted as follows:

        i. The following uses shall not be permitted on the land:

            a. Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
            b. Automobile, including motorcycle: Supplies/Parts, Sales
            c. Automobile, including motorcycle: Cleaning
            d. Beer: Sales
            e. Bingo Parlour
            f. Billiard Parlour
            g. Bus Station
            h. Contractors' Establishment
            i. Exterminator
            j. Farm Supplies: Sales

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k. Fuel: Sales kiosk
l. Landscape/Garden Supplies: Sales, including outside display limited to packaged supplies, plants or trees
m. Machinery/Heavy Equipment Supplies and Parts
n. Sales, Installation, Service
o. Mobile Home Park
p. Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers: Rental, Sale, Service
q. Parking Area, non-accessory
r. Pawnshop
s. Tattoo Parlour
t. Terminal for Haulage, Motor Freight Station, excluding an intermodal terminal
u. Terminal for Courier/Delivery/ Express Service, Cleaning Service, Key And Lock Service, Security Service, Taxi, or similar service
v. Studio, including dance, martial arts, music, photography, excluding radio, television, or motion picture
w. Tire: Sales, Service

C. That the following signs are prohibited on the "C2" Commercial District land:

i. Free-standing signs in excess of twenty-five (25) feet in height;
ii. Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit; and
iii. Flashing or scintillating signs.

D. That no illuminated signage be erected on the north or east side of the building.

2. 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 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.

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4. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

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

6. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

7. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Rezoning - 825 Sherbrook Street
File DAZ 224/2004 [c/r DAV 118444/2004D]

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

Prepared by: Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee

Report date: May 26, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2004, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A", for File DAZ 224/2004, and dated April 30, 2004, to a "C2" Commercial District subject to the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter Act, to provide for the following:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Lord Selkirk - West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That land usage be restricted as follows:

        i. The following uses shall not be permitted on the land:

            a. Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
            b. Automobile, including motorcycle: Supplies/Parts, Sales
            c. Automobile, including motorcycle: Cleaning
            d. Beer: Sales
            e. Bingo Parlour
            f. Billiard Parlour
            g. Bus Station
            h. Contractors' Establishment
            i. Exterminator
            j. Farm Supplies: Sales

k. Fuel: Sales kiosk
l. Landscape/Garden Supplies: Sales, including outside display limited to packaged supplies, plants or trees
m. Machinery/Heavy Equipment Supplies and Parts:
n. Sales, Installation, Service
o. Mobile Home Park
p. Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers: Rental, Sale, Service
q. Parking Area, non-accessory
r. Pawnshop
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t. Terminal for Haulage, Motor Freight Station, excluding an intermodal terminal
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v. Studio, including dance, martial arts, music, photography, excluding radio, television, or motion picture
w. Tire: Sales, Service

C. That the following signs are prohibited on the "C2" land:

i. Free-standing signs in excess of twenty-five (25) feet in height;
ii. Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit; and
iii. Flashing or scintillating signs.

D. That no illuminated signage be erected on the north or east side of the building.

2. That a ten per cent (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 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

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

6. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

PUBLIC HEARING SUMMARY

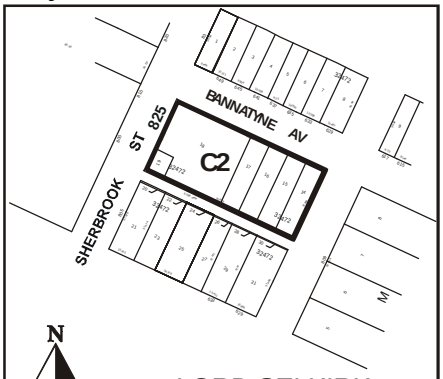
File: DAZ 224/2004 [c/r DAV 118444/2004D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: May 18, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Shelter Canadian Properties Limited (Carol Vandal)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : SHELTER CANADIAN PROPERTIES LIMITED
FILE : DAZ 224/04
PROPOSAL : To rezone the land shown outlined above from an "RM-L" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 825 Sherbrook Street

Exhibits Filed:
1. Application dated April 20, 2004
2. Notification of Public Hearing dated April 22, 2004

3. Manitoba Status of Titles 1400463, 1400464, 1400465, 1400468, 1400469, and 1400471
4. Surveyor's Building Location Certificate and sketch dated March 30, 2004
5. Letter of authorization dated March 25, 2004 from the Society for Manitobans with Disabilities Foundation Inc. to Shelter Canadian Properties Limited
6. Extract of Atlas Sheet Y23
7. Site Plan
8. Plans (6 pages)
9. Report from the Manager of Planning and Land Use dated April 30, 2004
10. Inspection Report

REPRESENTATIONS:

In Support:

Ian Corbett
Maxine Kehler
Carol Vandal, on behalf of Shelter Canadian Properties Limited

In Opposition:

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department
Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Carol Vandal, appeared in support of the application, on behalf of the applicant. She advised Committee the rezoning application was necessary in order to establish a pharmacy and medical clinic on the ground floor, which are compatible "C2" uses with the area. Ms Vandal stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated April 30, 2004 with the exception of the requirement for the ten percent (10%) land dedication. In this connection, Ms Vandal requested that the land dedication fee be waived inasmuch as their client, the Society for Manitobans with Disabilities, is a not for profit organization. In response thereto, the Chairperson stated the waiver for the ten percent (10%) land dedication is applicable only for seniors organizations, and that the land dedication fee is payable on the increased value of the land only and not on the entire value.

Maxine Kehler, on behalf of the Society for Manitobans with Disabilities, also appeared in support of the application, and advised Committee that she has been informed by the Administration that the ten percent (10%) land dedication will amount to $10,000.00.

Exhibit “9” referred to in File DAZ 224/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 224/04 (c/r DAV 04-118444/D)

April 30, 2004

Our c/f CP 500 (.105)

Ms. Diane Timmins, Community Clerk
Lord Selkirk - West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Diane Timmins:

REZONING
825 Sherbrook
Lord Selkirk - West Kildonan Community Committee
File No. DAZ 224/04

An application has been received from Shelter Canadian Properties (Carol Vandal) to amend By-Law No. 6400/94 by rezoning the land shown below from a “RM-L” Multiple Family Residential District to a “C2” Commercial District for commercial uses.



SITE DESCRIPTION:

Site Area: 0.749 acres (3,032 square metres)

Existing Land Use and Zoning: Multi Tenant Office zoned "RM-L"

Surrounding Land Use and Zoning:

North: Across Bannatyne, single family dwellings zoned "RM-L"
South: Across rear public lane, multiple family dwelling zoned "RM-L".
East: Across Furby Street, Sacre Coeur School "RM-L".
West: Across Sherbrook Street, Health Science Centre zoned "C2"

DEVELOPMENT DESCRIPTION:

The applicant is proposing to convert the ground floor into a pharmacy and medical clinic. The entrances will use the existing doorways on Bannatyne and the rear public lane. A new entrance door will be added to connect the pharmacy to Sherbrooke. The entire project will take up 3,235 square feet – the pharmacy will be 1,665 square feet and the medical clinic 1,570 square feet.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division supports the rezoning application. The proposed "C2" zoning category accurately represents the existing office uses that have long been in the building. There are existing "C2" Commercial land-uses along Sherbrooke Avenue, and Furby Street near the Health Science Centre, which is an high traffic area supporting intensive commercial lands uses.

Ground floor commercial will help add character to the street and encourage pedestrians. "C2" commercial is also appropriate for this location given the regional nature of the HSC directly across the street. The building can be converted back into a residential use and the ground floor commercial activity would still be compatible given the character of Sherbrooke at this location.

There are also a number of "C2" uses that would not be appropriate for this location given the characteristics of the surrounding area. These uses are generally considered intensive commercial

users with associated sound, smells and/or visual impacts that would be detrimental to the adjacent residents. These uses would also be detrimental to the pedestrian characteristics of Sherbrook Street at this site.

Signage is a particular concern considering the close proximity of the residential dwellings directly to the north and south. It would not be appropriate to have signage on the north side of the building since it may cause a negative impact on the neighbours. Flashing signage and free standing signs in excess of the allowable amount would also prove detrimental to the adjacent residents.

The applicant has also applied for a variance to allow a change of use. This would permit the applicant to establish the proposed medical clinic and drug store immediately while the rezoning by-law continues its process towards Council. A variance is also required for substandard parking on the subject property for the proposed uses.

RECOMMENDATION:

That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule “A”, for file DAZ 224/04, attached hereto and dated, April 30, 2004, to a “C2” Commercial District subject to the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter Act, to provide for the following:

That, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Lord Selkirk - West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

That land usage be restricted as follows:

The following uses shall NOT be permitted on the land:

AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
AUTOMOBILE, including motorcycle: CLEANING
BEER: SALES
BINGO PARLOUR
BILLIARD PARLOUR
BUS STATION
CONTRACTORS' ESTABLISHMENT
EXTERMINATOR
FARM SUPPLIES: SALES

FUEL: SALES kiosk
LANDSCAPE/GARDEN SUPPLIES: SALES, including outside display limited to packaged supplies, plants or trees
MACHINERY/HEAVY EQUIPMENT SUPPLIES and PARTS: SALES, INSTALLATION, SERVICE
MOBILE HOME PARK
MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
PARKING AREA, non-accessory
PAWNSHOP
TATTOO PARLOUR
TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
STUDIO, including dance, martial arts, music, photography, excluding radio, television, or motion picture
TIRE: SALES, SERVICE

The following signs are prohibited on the "C2" land:

Free-standing signs in excess of twenty-five (25) feet in height;
Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit; and
Flashing or scintillating signs.

That no illuminated signage be erected on the north or east side of the building.

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.

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.

That, the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

That, the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
Lord Selkirk - West Kildonan Community
986-5102

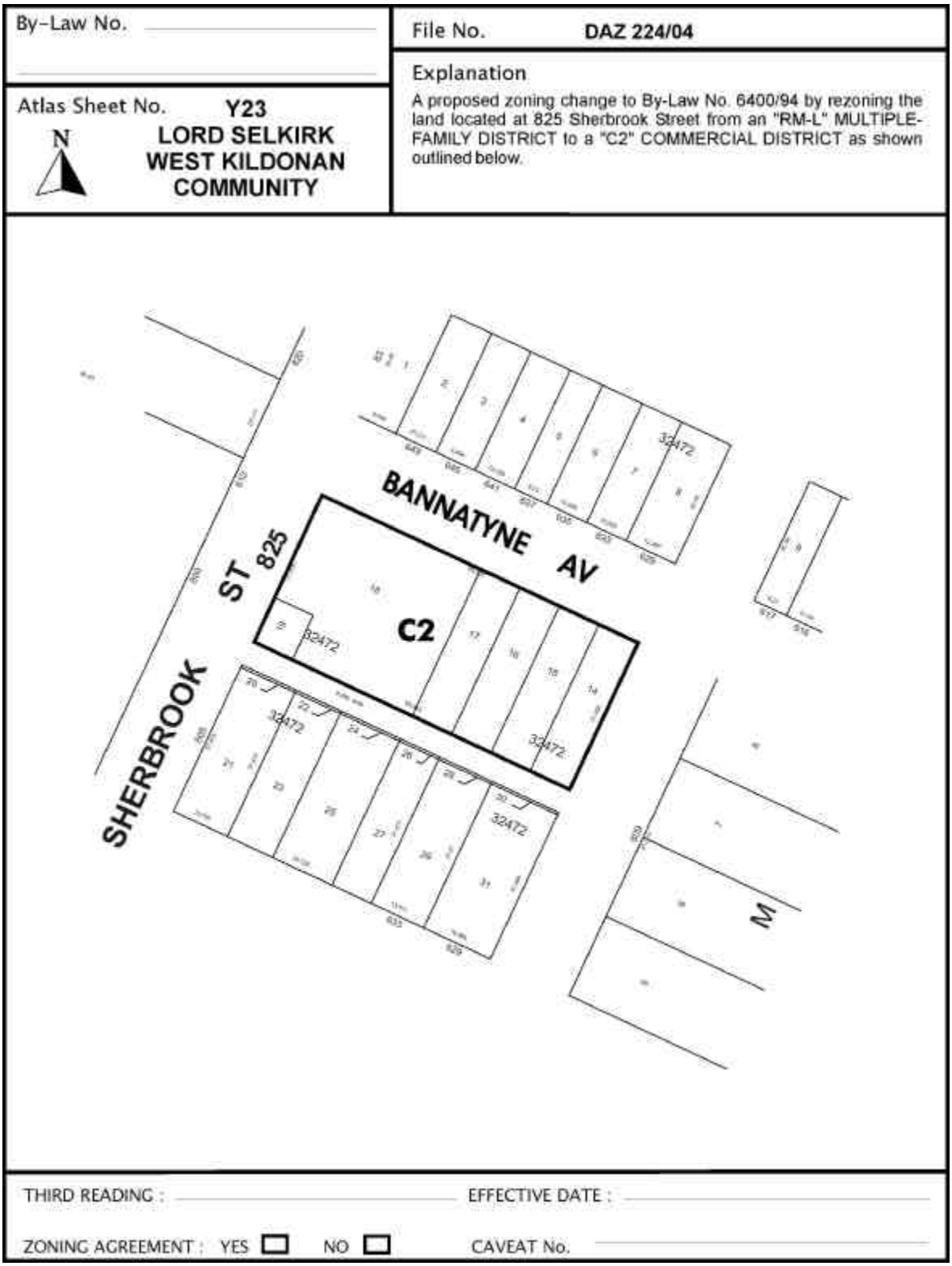


Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File No. DAZ 224/04, dated April 30, 2004.

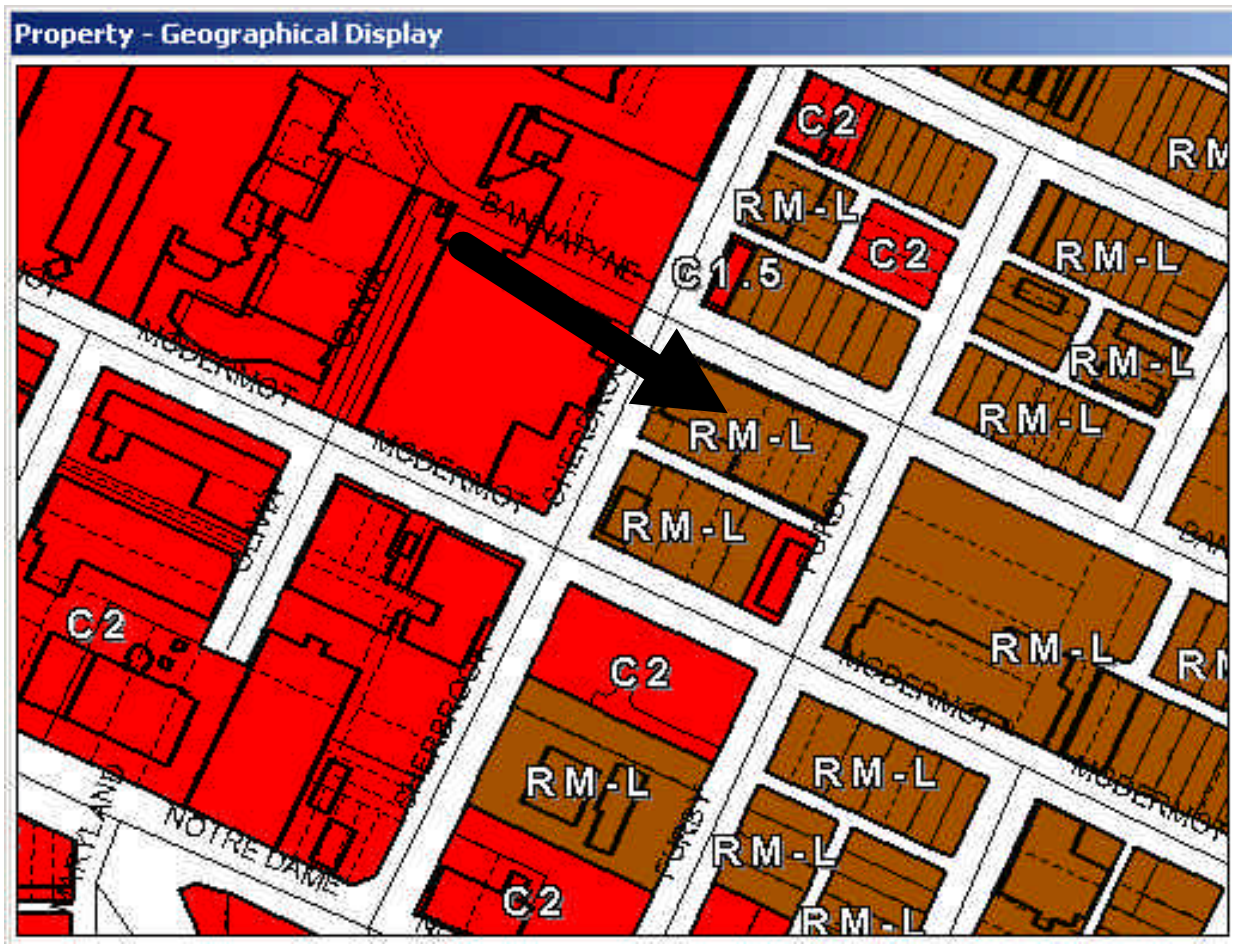


Figure 2: Existing Zoning for subject property and Surrounding Area.

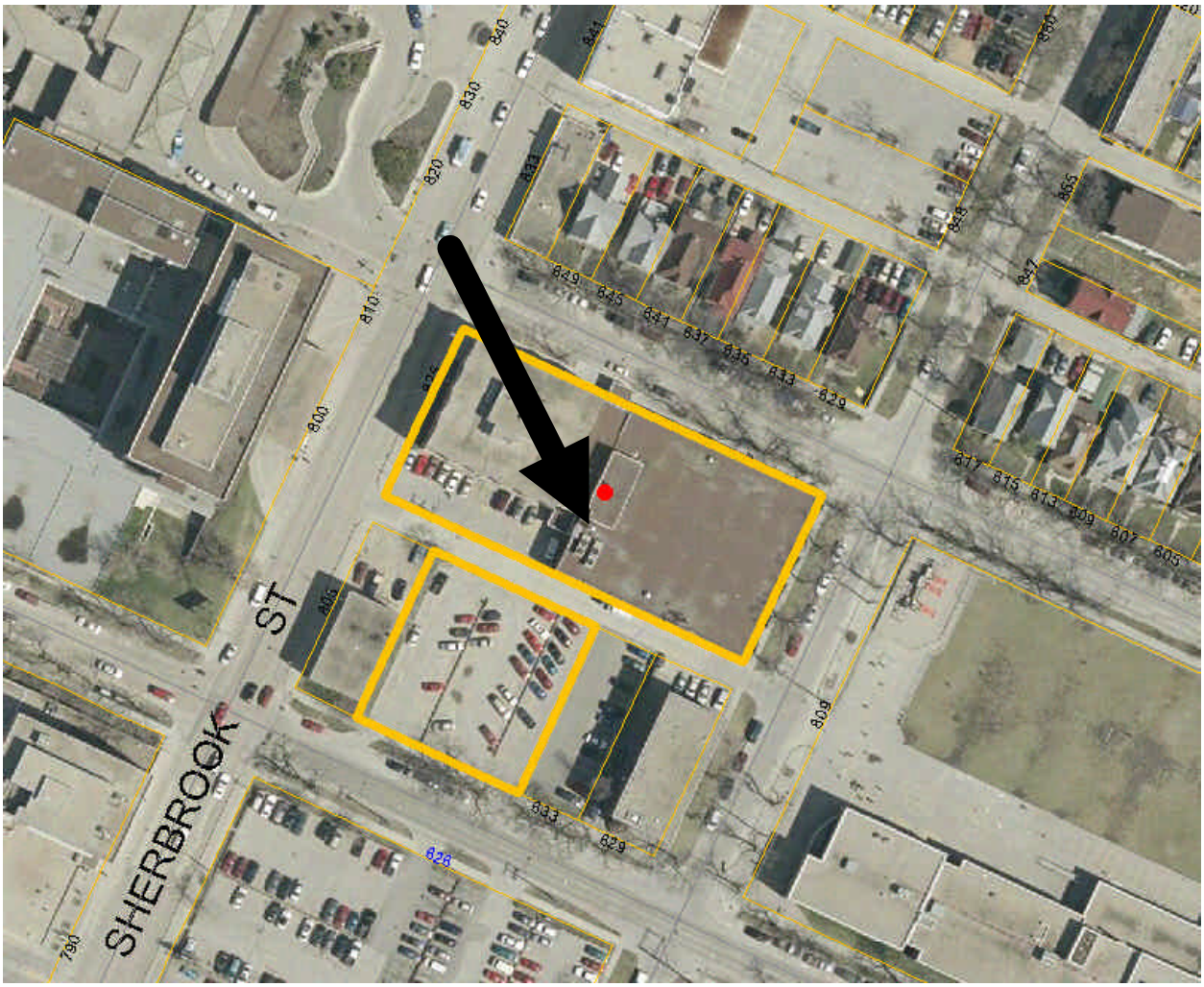


Figure 3: Existing Land-Uses for subject property and Surrounding Area.