Minutes - Executive Policy Committee - July 14, 2004

Minute No. 464
Report - Standing Policy Committee on Property and Development - July 9, 2004

Item No. 7 Rezoning – 647-659 Young Street
File DAZ 221/2004

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 The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2004 dated May 18, 2004, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter 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:

      i. That the use of the land be limited to the following:

         a. non-accessory parking
         b. dwelling units

      ii. That free-standing signs, mobile signs, temporary signs, and advertising signs be prohibited on the land.

      iii. That prior to the issuance of a development permit, detailed plans of proposed development for the land be submitted for the approval of the City Centre Community Committee.

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.

Report - Standing Policy Committee on Property and Development – July 9, 2004

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

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.

Report - Standing Policy Committee on Property and Development - July 9, 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 July 9, 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 June 15, 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: Rezoning - 647 / 659 Young Street
File DAZ 221/2004 [c/r DAV 117781/2004D]

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

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

Report date: June 21, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre 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 shown on Schedule "A", for file DAZ 221/2004, dated, May 18, 2004, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter 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:

      i. That the use of the land be limited to the following:
         a. non-accessory parking
         b. dwelling units

      ii. That free-standing signs, mobile signs, temporary signs, and advertising signs be prohibited on the land.

      iii. That prior to the issuance of a development permit, detailed plans of proposed development for the land be submitted for the approval of the City Centre Community Committee.

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 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

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 Act.

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 May 18, 2004.

2. The application makes the subject property more viable to the community.

PUBLIC HEARING SUMMARY

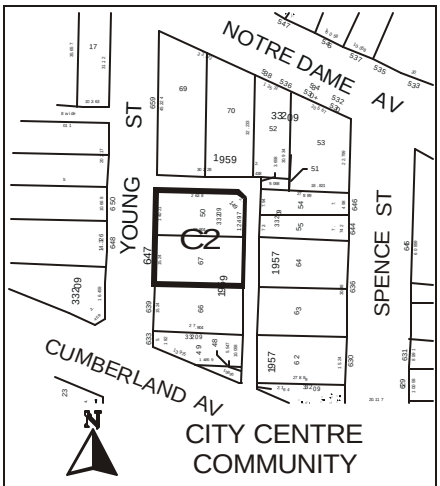
File: DAZ 221/2004 [c/r DAV 117781/2004D]

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

Public Hearing: June 15, 2004
West Committee Room
Council Building, 510 Main Street

Applicant: The Portuguese Association of Manitoba

Subject:



APPLICANT : THE PORTUGUESE ASSOCIATION OF MANITOBA
FILE : DAZ 221/04
PROPOSAL : To rezone the land shown outlined above from an "RM-6"MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for the expansion and redevelopment of an existing non-accessory parking area. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 647/659 Young Street

Exhibits Filed:
1. Application dated April 7, 2004
2. Notification of Public Hearing dated April 21, 2004
3. Manitoba Status of Title(s) 1430337, 1761346, 1983820

4. Surveyor's Building Location Certificate and sketch dated January 13, 2004
5. Letter of authorization dated February 13, 2004 from President, Portuguese Association of Manitoba Inc., to Jose Alves
6. Extract of Atlas Sheet Z23
7. Drawings of subject property
8. Plans (2 pages)
9. Petition in support of the application purporting to contain the signatures of five (5) area residents
10. Report from the Manager of Planning and Land Use dated May 18, 2004
11. Inspection Report

REPRESENTATIONS:

In Support:

Mario Santos

In Opposition:

For Information:

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 "10" referred to in File DAZ 221/2004 [c/r DAV 117781/2004D]

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 221/04 May 18, 2004
Our c/f CP 500 (.104)

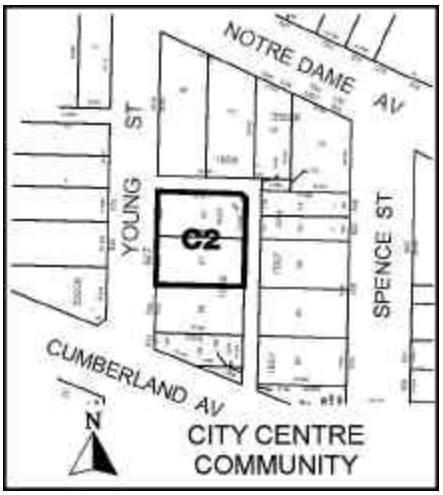
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
646/659 Young Street, east side between Cumberland and Notre Dame
City Centre Community Committee
File No. DAZ 221/04

An application has been received from the Portuguese Association of Manitoba Inc. (Jose Alves), to amend By-Law No. 6400/94 by rezoning the land shown below from a "RM-6" Multiple-Family District to a "C2" Commercial District to allow for the redevelopment of an existing non-accessory parking lot (approved under DAV 14/89), and its expansion onto an adjacent lot containing a single-family dwelling.

RELATED FILES: DAV 04-117781D



SITE DESCRIPTION:

Site Area: Approximately 8,800 square feet.

Existing Land Use and Zoning: The northerly lot, Lot 50, Plan 33209, contains a parking lot; The southerly lot, Lot 67, Plan 959 contains a 2-storey, single-family dwelling.

Surrounding Land Use and Zoning:

North: Across public lane, Portuguese Association cultural centre zoned "C2".
South: Single-family house at 639, zoned "RM-6" Multiple-family residential.
East: Across public lane, duplex at 644-648 Spence, and public park zoned "RM-6".
West: Across Young, single-family house at 648, Bestway Realty and Insurance at 650, vacant lot and parking lot, all zoned "RM-6".

DEVELOPMENT DESCRIPTION:

The proposal is to demolish the house at 647 Young Street and expand the existing parking lot to provide more parking for the Portuguese cultural centre. The expanded parking lot would provide parking for 33 vehicles, with approval of the related zoning variances for reduced front yard, reduced south side yard, and using the public lane as a parking aisle. The applicant proposes to surface the enlarged lot with asphalt, with water runoff directed to the public lane. The applicant proposes to provide a 4-foot landscaped strip along the Young street frontage, and to construct ornamental wooden fencing along the Young street frontage and the south property limit adjacent to 639 Young Street.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division does not typically support the demolition of residential dwellings for non-accessory parking lots. One of the major issues confronting the downtown is the proliferation of surface parking lots. Surface parking lots are detrimental to pedestrian comfort and the urban design character of the downtown, while the availability of inexpensive parking runs counter to the goal of encouraging transit use.

Having said this, the subject property is not ideally suited for family housing as it lies within an area that is cut off from the larger Spence neighbourhood by Cumberland Street. The area is zoned for apartments and is close to the Notre Dame"C2" commercial strip. It is likely that a higher and better use will emerge in the coming years for the properties containing the few remaining single-family houses in the area. The location is suited to apartment housing in view of the location on major bus routes close to the downtown.

The Portuguese Association is an active and long-time member of the community. Permission to establish the existing parking lot was obtained under DCU 44/86 and DAV 312/86, and again under DAV 14/89. The applicant has obtained supporting signatures from residents at 648 Spence, 639 Young, and 550 Notre Dame. The cultural centre operates as a banquet hall, and the additional parking would benefit the facility.

Should your Committee recommend approval of the application, the following conditions would apply.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 221/04, attached hereto and dated, May 18, 2004, to a "C2" Commercial District, subject to the following:

A. That the applicant enter 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:

1. That the use of the land be limited to the following:

- non-accessory parking
- dwelling units

2. That free-standing signs, mobile signs, temporary signs, and advertising signs be prohibited on the land.

3. That, prior to the issuance of a development permit, detailed plans of proposed development for the land be submitted for the approval of the City Centre Community Committee.

II. 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.

III. 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.

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

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

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

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

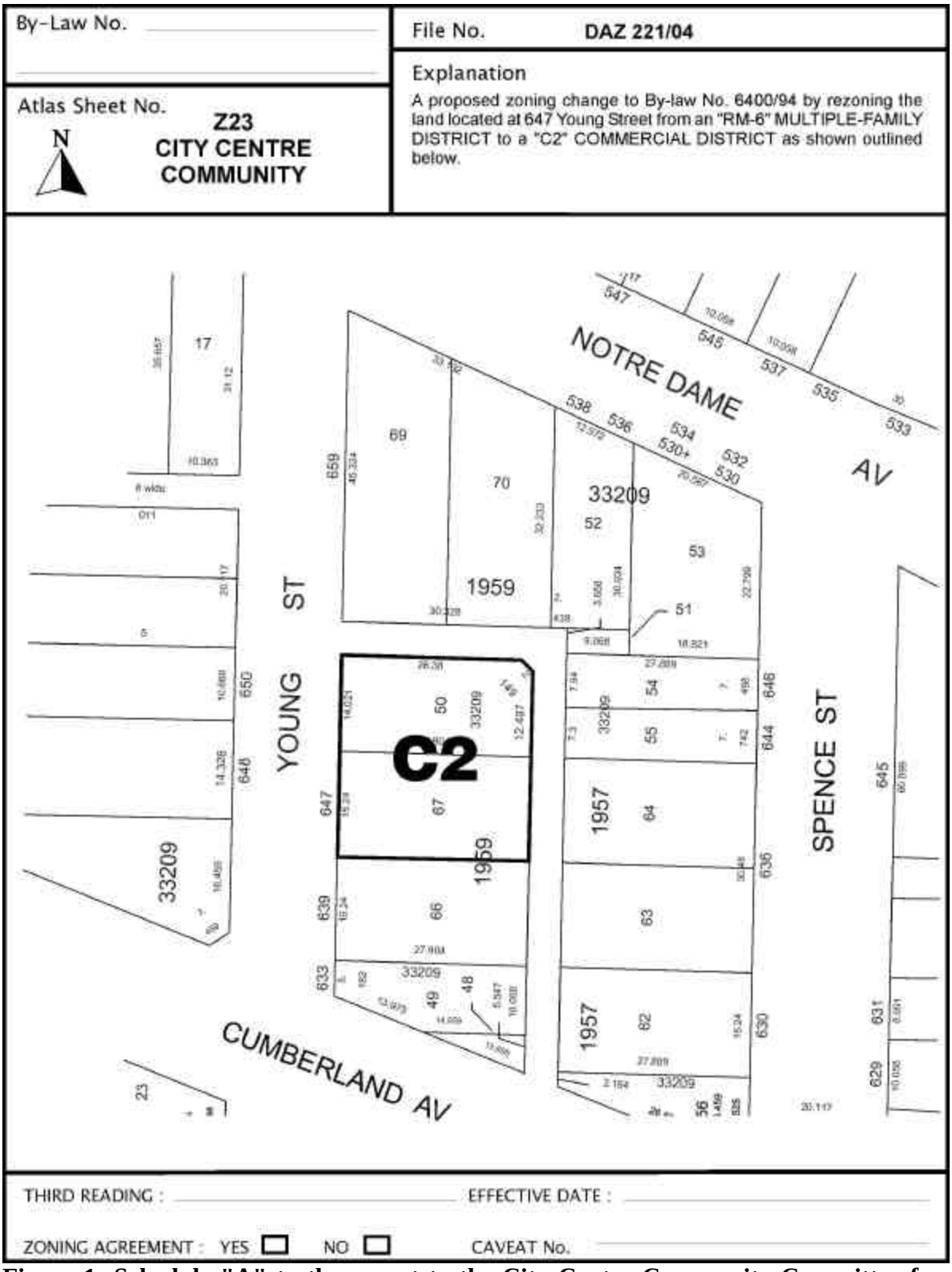


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 221/04, dated May 18, 2004.