Proposed Rezoning - land located at 447 Ferry Road - southeast corner Ferry Road and Silver Avenue
File DAZ 224/2001 (c/r DAV 829/2001D)

4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Susan Haywood, 447 Ferry Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land from a "R1-5A" Residential District to a "C1" Commercial District to maintain an existing beauty salon and a single-family dwelling.

The property is an older storefront consisting of a one storey, 567 square foot commercial component and an attached, one-and-a-half storey house with a main floor area of 686 square feet. Also on the property is a double garage with a floor area of 576 square feet and surface parking for four cars off the back lane. The commercial component originally contained a grocery store and has housed several businesses over the years including an electronic repair shop, a sporting goods store, a window and door dealer, and a caterer. The present use as a three-chair hair salon was approved under Variance Order DAV 171/94C for a period of two (2) years. The property has to be rezoned in order for the commercial use to continue.

On November 20, 2001, a public hearing was held before the Assiniboia Community Committee. One person appeared in support of the application and no one registered in opposition thereto.

The Assiniboia Community Committee concurred in the recommendations contained in the report dated November 13, 2001, from the Manager of Planning and Land Use, Planning, Property and development Department. The Community Committee recommended approval of the proposed rezoning for the following reasons:

1. The building has a history of commercial use.
2. The subject application will not be detrimental to the adjacent area.

On January 8, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations of the Zoning Change Report dated November 25, 2001, from the Assiniboia Community Committee.

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land outlined on Schedule "A" for File DAZ 224/2001 dated November 13, 2001, to a "C1"Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That the use of the property be restricted to the following uses including accessory and secondary uses:
   a. art/antique sales, service
   b. barber shop, beauty salon
   c. bed and breakfast
   d. book sales
   e. clothing alteration, repair, sales
   f. dressmaker, furrier, tailor
   g. dwelling units
   h. florist
   i. gift store
   j. jeweler, watchmaker
   k. office, excepting insurance or real estate
   l. personal service

2. That prior to the issuance of a development permit or occupancy permit, plans showing the site layout, parking, fencing, landscaping, signage, external lighting, and exterior building elevations and materials be submitted for the approval of the Assiniboia Community Committee.

3. That no free-standing or pylon signs, poster boards, mobile or temporary signs be permitted on the property and that facia or awning signage be limited to a maximum of twelve (12) square feet with the location restricted to the north wall of the building.

4. That the hours of public operation be limited to between the hours of 9:00 a.m. and 9:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturday, with Sunday closings.

5. That should the existing buildings be destroyed or demolished, any new commercial building on the site be limited to a height of one (1) storey and provide a minimum front yard of twenty (20) feet (against Ferry Road), a minimum rear yard of twenty-five (25) feet, a minimum interior side yard of ten (10) feet, and a maximum main floor area of 2,480 square feet.

II. That a ten (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 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 Council extends that time.

IV. 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.

V. 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.

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

VII. 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 Act.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Schedule "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated January 8, 2002

