Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 12 Rezoning - 648 Sargent Avenue
File DAZ 212/2004

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, 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 212/2004 dated June 30, 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 property be limited to the following:
            a. automobile, including motorcycle, repair, service, installation of supplies/parts
            b. automobile, including motorcycle, rental, sales, and accessory activities
            c. automobile, including motorcycle, supplies/parts sales
            d. fuel sales

        ii. That a light-proof fence [minimum height of four (4) feet] be erected and maintained in good condition at the rear of the property running from the southwest corner of the service station to the Agnes Street sidewalk adjacent to 581 Agnes Street .

        iii. That an ornamental fence be erected along the Agnes Street and Sargent Avenue frontages in accordance with Section 1170 of The Winnipeg Zoning By-law No. 6400/94.

        iv. That a maximum of eight (8) sales vehicles be allowed on the site at any one time.

        v. That there be no outside storage of derelict autos, auto parts, fuel or lubricants on site.

Report - Standing Policy Committee on Property and Development - September 7, 2004

vi. That the dumpster be screened with an ornamental wood fence [minimum height of six (6) feet)] protected with a lockable gate.

vii. That mobile signs be prohibited on the site.

vii. That prior to the issuance of a development permit plans showing the site layout, access, parking, fencing/landscaping, garbage enclosure and outside lighting 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.

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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 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 July 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: **Rezoning - 648 Sargent Avenue**
File DAZ 212/2004

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

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

Report date: **July 23, 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 212/2004 dated June 30, 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 property be limited to the following:

            a. automobile, including motorcycle, repair, service, installation of supplies/parts
            b. automobile, including motorcycle, rental, sales, and accessory activities
            c. automobile, including motorcycle, supplies/parts sales
            d. fuel sales

        ii. That a light-proof fence [minimum height of four (4) feet] be erected and maintained in good condition at the rear of the property running from the southwest corner of the service station to the Agnes Street sidewalk adjacent to 581 Agnes Street .

        iii. That an ornamental fence be erected along the Agnes Street and Sargent Avenue frontages in accordance with Section 1160 of The Winnipeg Zoning By-law No. 6400/94.

        iv. That a maximum of eight (8) sales vehicles be allowed on the site at any one time.

v. That there be no outside storage of derelict autos, auto parts, fuel, or lubricants on site.

vi. That the dumpster be screened with an ornamental wood fence [minimum height of six (6) feet] protected with a lockable gate.

vii. That mobile signs be prohibited on the site.

vii. That prior to the issuance of a development permit plans showing the site layout, access, parking, fencing/landscaping, garbage enclosure and outside lighting 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.

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..

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. The City Centre Community Committee considers the development an asset to the neighbourhood and has no reason to oppose it.

PUBLIC HEARING SUMMARY

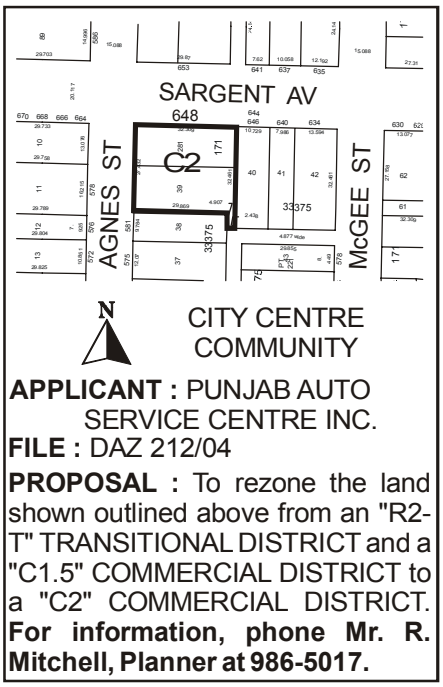
File: DAZ 212/2004

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

Public Hearing: July 13, 2004
Council Chambers
Council Building, 510 Main Street

Applicant: Punjab Auto Service Centre Inc.

Subject:



Premises Affected: 648 Sargent Avenue

Exhibits Filed:

1. Application dated May 21, 2004
2. Notification of Public Hearing dated May 27, 2004
3. Manitoba Status of Title(s) 1443032
4. Surveyor's Building Location Certificate and sketch dated July 17, 1979
5. Extract of Atlas Sheet Z23
6. Plan (1 page)

7. Report from the Manager of Planning and Land Use dated June 30, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Sandra Mohamed and Dave Brar

In Opposition:

Nil

For the City:

Mr. M. Grady, Senior Planner, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The Applicants, Sandra Mohamed and Dave Brar, appeared in support of the application and gave a brief overview on the application.

Councillor Smith emphasized the condition restricting the number of vehicles that would be allowed on the site at any one time.

Ms Mohamed and Mr Brar stated concurrence with the administrative recommendation.

In reply please refer to / Référence à rappeler :

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

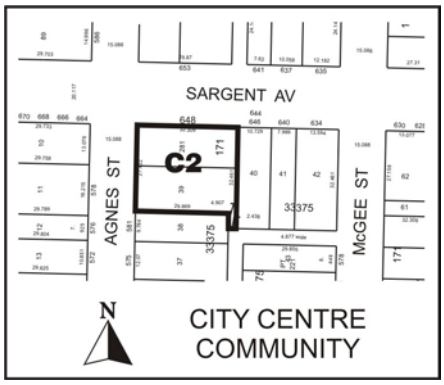
File No. DAZ 212/04 June 30, 2004
Our c/f CP 500 (.108)

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

Dear Ms. Marques:

REZONING
648 Sargent, southeast corner at Agnes Street
City Centre Community Committee
File No. DAZ 212/04

An application has been received from Punjab Auto Service Centre Inc., to amend By-Law No. 6400/94 by rezoning the land shown below from a "C1.5" Commercial District and an "R2-T" Two-family Transitional Residential District to a "C2" Commercial District to permit the maintenance of an auto sales use in conjunction with an existing auto repair use.



SITE DESCRIPTION:

Site Area: About 9,670 square feet.

Existing Land Use and Zoning: "C1.5" Commercial District and "R2-T" Two-family Transitional Residential District. Property contains an auto repair (Sargent Motors) and used car sales business.

Surrounding Land Use and Zoning:

The property is located within the Sargent Avenue commercial strip, which is zoned "C1.5". A 3-storey apartment building is located across Agnes on the west, with main floor commercial use including a Good Deal Pawn. The two-storey commercial building to the east contains the Huaguang Buddhist Temple. Across Sargent is Murray Tent and Awning. The surrounding neighbourhood is mixed housing. The adjacent property at the rear, 581 Agnes, contains a 1-storey single-family dwelling.

DEVELOPMENT DESCRIPTION:

The property contains a 1-storey, brick auto service station and two gas pumps. At the time of the site inspection, there were 28 vehicles parked on the property, mostly sale vehicles. The site is paved, with no landscaping or fencing.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The rezoning to "C2" is required because "auto repair" is not a permitted use in "C1.5" zoning districts. "Auto sales" is a Conditional Use in "C1.5" districts, and a permitted use in "C2" districts. Large scale auto repair and sales businesses are not appropriate in community shopping precincts like Sargent Avenue because the scale and intensity of activity is not compatible with the surrounding residential neighbourhood. However, most of the large "new" auto dealers have relocated to the suburbs on regional streets or in auto malls. In older commercial areas in the city, small-scale auto dealers and repair shops continue to thrive and provide a needed neighbourhood service. The subject operation falls into this category of business, providing a local service to the neighbourhood.

However, the Division is concerned about the number of vehicles parked on the site. The applicant's letter-of-intent states that the property will contain between 3 and 5 sale vehicles, far fewer than the number of cars on the site at the time of the site visit. In addition, the proposed site plan identifies 6 permanent stalls for sale vehicles, plus an additional 9 stalls identified as "extra stalls". An employee indicated that some of the cars belonged to members of the Buddhist temple, and others were being temporarily stored. Regardless, the site had the appearance of an auto storage compound, which is not a permitted use in "C2" zones. The business requires spaces for customer vehicles requiring service, as well as safe access to the fuel pumps. The Division is prepared to support the rezoning on the basis of the following:

- the applicant enter into a Zoning Agreement with the City limiting the use of the property to auto sales and auto repair;

- the applicant erect a light-proof fence (minimum height of 4 feet) at the rear of the property from the southwest corner of the service station to the Agnes sidewalk, adjacent to 581 Agnes;
- the applicant erect an ornamental fence along the Agnes and Sargent frontages in accordance with section 1160 of the zoning by-law;
- the applicant be limited to a maximum of 8 sale vehicles on the site at any one time;
- that there be no outside storage of derelict autos or auto parts on site;
- that the dumpster be screened with an ornamental wooded fence (minium height of 6 feet) protected with a lockable gate;
- that mobile signs be prohibited on the site.

In view of the fact that the zoning agreement restricts land use, your Committee may recommend that the Park Dedication fees be waived by the Standing Policy Committee on Property and Development.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 212/04, attached hereto and dated, June 30, 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 property be limited to the following:

- automobile, including motorcycle, repair, service, installation of supplies/parts
- automobile, including motorcycle, rental, sales, and accessory activities
- automobile, including motorcycle, supplies/parts sales
- fuel sales

2. that a light-proof fence (minimum height of 4 feet) be erected and maintained in good condition at the rear of the property running from the southwest corner of the service station to the Agnes sidewalk, adjacent to 581 Agnes.

3. that an ornamental fence be erected along the Agnes and Sargent frontages in accordance with section 1160 of the zoning by-law.

4. that a maximum of eight (8) sale vehicles be allowed on the site at any one time.

5. that there be no outside storage of derelict autos, auto parts, fuel, or lubricants on site.

6. that the dumpster be screened with an ornamental wooded fence (minium height of 6 feet) protected with a lockable gate.

7. that mobile signs be prohibited on the site.

8. that, prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing/landscaping, garbage enclosure, and outside lighting 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

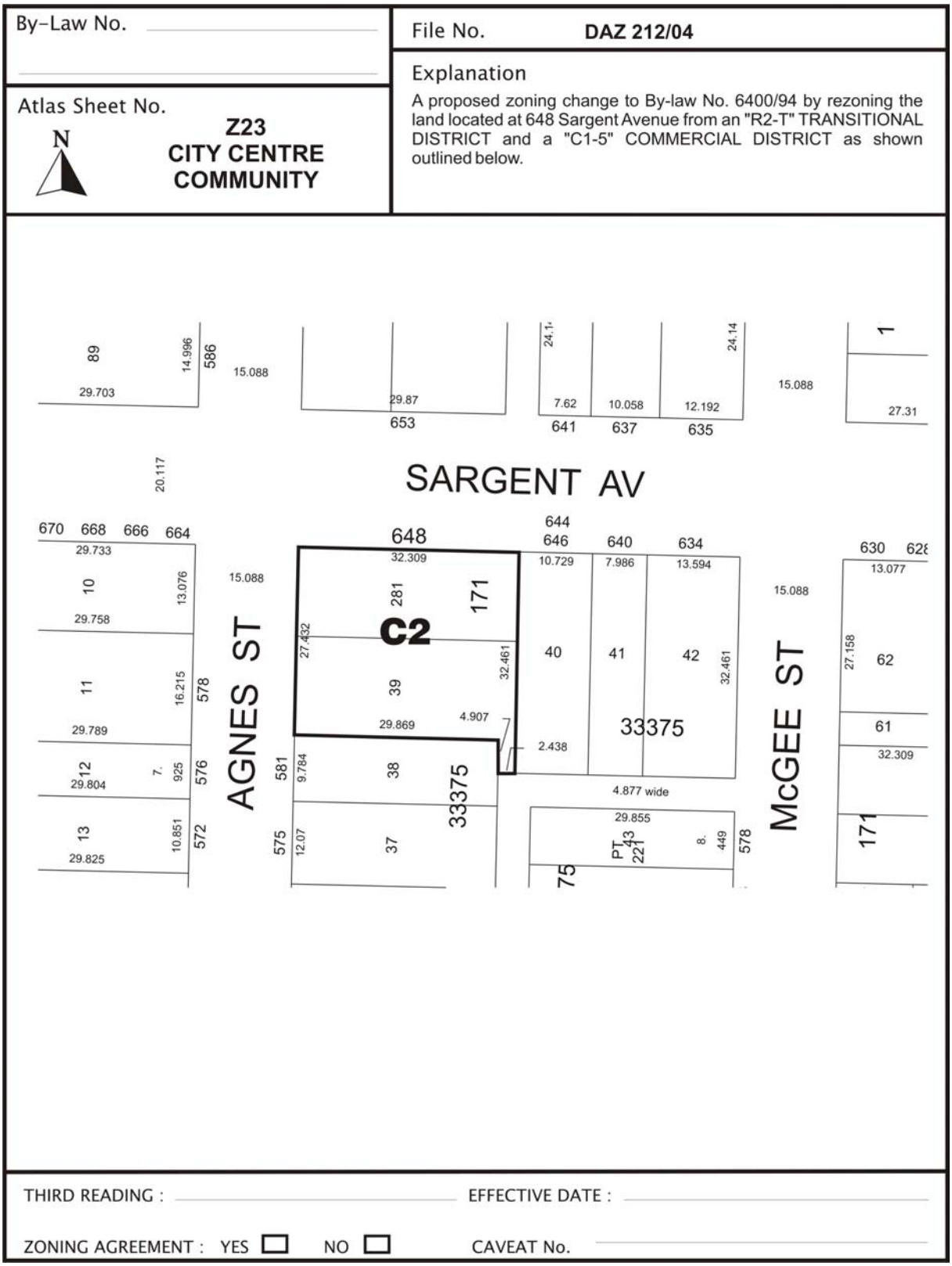


Figure 1: Schedule "A" to the report to the City Centre Community Committee for file No. DAZ 212/04, dated June 30, 2004.



Figure 2: Air photo of subject site.