Agenda - Council - September 29, 2004

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

Item No. 13 Rezoning – 206 McGregor Street
File DAZ 214/2004

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 Lord Selkirk-West Kildonan Community Committee and recommends to Council that the application for rezoning under File DAZ 214/2004 not be proceeded with.

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 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 - 206 McGregor Street**
File DAZ 214/2004 [c/r DAV 113040/2004D]

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

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

Report date: **July 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 214/2004 not be proceeded with.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated April 30, 2004.

2. There is strong opposition to this application from the William Whyte Residents Association.

3. Approval of this application will not promote or contribute to the orderly development of the neighbourhood and will be precedent-setting.

PUBLIC HEARING SUMMARY

File: DAZ 214/2004 [c/r DAV 113040/2004D]

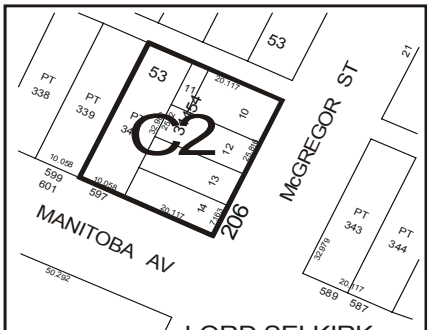
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: July 6, 2004
Council Chamber
Council Building, 510 Main Street

Adjourned from: May 18, 2004

Applicant: Central Service & Sales Ltd. (Orest Chorney)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : CENTRAL SERVICE & SALES LTD.

FILE : DAZ 214/04

PROPOSAL : To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development.

For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected: 206 McGregor Street

Exhibits Filed:
1. Application dated April 6, 2004
2. Notification of Public Hearing dated April 15, 2004
3. Manitoba Status of Title 1856613
4. Extract of Atlas Sheet W24
5. Plan of subject property

6. Report from the Manager of Planning and Land Use dated April 30, 2004
7. Communication received May 18, 2004 from Annette Champion-Taylor, Co-Chair, William Whyte Residents Association, in opposition to the application
8. Inspection Report
9. Photographs (25) of the subject and surrounding properties submitted by Peter Klymkiw at the public hearing on July 6, 2004
10. Presentation made by Annette Champion-Taylor at the public hearing on July 6, 2004, in opposition to the application

REPRESENTATIONS:

In Support:

Orest Chorney, on behalf of Central Sales & Service Ltd.
P. M. Klymkiw

In Opposition:

Annette Champion-Taylor, Co-Chair, William Whyte Residents Association
Jeff Grubb
Ken Pickering

For Information:

Robert Neufeld

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

May 18, 2004
Peter Klymkiw, accompanied by Orest Chorney, on behalf of Central Sales & Service Ltd., appeared in support of the application. Committee was advised the automobile dealership has

been in business operating at the subject location for over four (4) years and that when the land was acquired from the City, it was thought the necessary zoning was in place. Mr. Klymkiw stated he did not agree with the negative recommendation outlined in the report of the Manager of Planning and Land Use dated April 30, 2004.

In accordance with the request of the William Whyte Residents Association, the Chairperson read into the record the communication received May 18, 2004 from Annette Champion-Taylor, Co-Chair, William Whyte Residents Association, in opposition to the application, and marked as Exhibit 7. Councillor Lazarenko indicated his desire to adjourn this application to give the applicant and representatives from the William Whyte Residents Association the opportunity to meet and discuss their concerns.

July 6, 2004

Peter Klymkiw, accompanied by Orest Chorney, on behalf of Central Sales & Service Ltd., appeared in support of the application. Mr. Klymkiw submitted photographs (25) showing the subject and surrounding properties and the nature and character of McGregor Street, marked as Exhibit 9. Committee was advised the subject property has been operating as a car lot for more than four years with no disruption to the area, and that when the subject property was first posted, no objections to the rezoning application were received. Mr. Klymkiw commented on the communication submitted by Annette Champion-Taylor, Co-Chair, William Whyte Residents Association, in opposition to the application, marked as Exhibit 7 and stated that its comments parrot those contained in the report from the Manager of Planning and Land Use (Exhibit 6). Mr. Klymkiw stated that if this application is rejected, two businesses will be put out of work and six (6) people out of jobs. Mr. Klymkiw urged Committee to recommend approval of the rezoning and stated the opinion that approval is essential in view of the fact the City has done nothing during the four (4) years to enforce the lack of proper zoning and stated the belief it would be in the City's best interests to approve the rezoning application.

Annette Champion-Taylor, accompanied by Ken Pickering, Co-Chairs, William Whyte Residents Association, appeared in opposition to the application. Ms Taylor gave an overview of what had transpired since the adjourned public hearing and read into the record her presentation filed as Exhibit 10. In summation, Ms Taylor requested the Community Committee to uphold the administrative recommendation that the rezoning not be proceeded with.

In rebuttal, Mr. Klymkiw stated he did not agree the used car lot operation is not compatible with the area and put forward the opinion it was a major part of the community which did nothing to downgrade the neighbourhood and would not be precedent setting. Mr. Klymkiw urged Committee to reject the administrative recommendation and recommend approval of the rezoning, which is necessary for the used car lot business to comply.

Exhibit “7” referred to in File DAZ 214/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 214/04 April 30, 2004
Our c/f CP 500 (.302)

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
206 McGregor Street
Lord Selkirk - West Kildonan Community Committee
File No. DAZ 214/04

An application has been received from Central Service & Sales Ltd. (Orest Chorney) to amend By-Law No. 6400/94 by rezoning the land shown below from a “R2-T” Two Family Residential District to a “C2” Commercial District to allow the maintenance of an automobile sales use.



SITE DESCRIPTION:

Site Area: 1,228.79 square feet. The lot has 108 feet of frontage on McGregor and 99 feet on Manitoba Avenue.

Existing Land Use and Zoning: An automobile sales use with vehicle display designated "R2-T" Two Family Residential District.

Surrounding Land Use and Zoning:

North: Across public lane, single and two family dwellings zoned "R2-T"
South: Across Manitoba Avenue, multiple family dwellings zoned "RM-6".
East: Across McGregor Street, Single family dwellings zoned "R2-T"and commercial land zoned "C1".
West: Single family dwellings zoned "R2-T".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the subject property from a "R2-T" Two Family Residential District to a "C2" Commercial District to allow the maintenance of an automobile sales use.

Plans submitted by the applicant indicate a small, one story office building is located on the corner of Manitoba Avenue and McGregor Street. The remainder of the subject property is a vehicle display area with a crush rock surface. The perimeter of the site is fenced with a 6 foot chain link fence with a gate to provide access from McGregor Street.

PLAN WINNIPEG:

The Planning and Land Use Division is of the opinion that the proposed land-use is not consistent with Plan Winnipeg. More specifically, the proposed automobile sales use is inconsistent with the following Plan Winnipeg Policies:

> *Policy 3A-01 Promote Orderly Development – The City shall promote orderly development through land use designations on Policy Plate A by: ii) considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.*
>
> *Policy 3B-01 Promote Vibrant Neighbourhoods – The City shall promote vibrant neighbourhoods by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including: ii) low-intensity ancillary uses such as local commercial, educational, recreational, religious, and institutional uses at a scale and density compatible with, and necessary to support, low-intensity residential development, and in recognition of traffic flows related to these uses;*

Policy 3B-04 Accommodate Commercial and Retail Development – The City shall accommodate commercial and retail development by: ii) supporting the maintenance and development of neighbourhood main streets that provide a wide range of local services, that enhance neighbourhood character, and that provide for the incremental expansion of commercial uses consistent with the general character of the adjacent neighbourhood;

The automobile-oriented nature of the proposed rezoning is contrary to the "main street" pedestrian-oriented nature of McGregor Street. The majority of buildings are located immediately adjacent to the street, and/or pedestrian-oriented in design, function, scale, and character. The proposed automobile sales use is contrary to this pedestrian-oriented character, with a large vehicle display area. Moreover, the land-use use is enclosed by a six (6) foot high chain link fence and gate, which is contrary to the character of the area and other uses located within the commercial and residential portions of the William Whyte Neighbourhood. The overall character of the proposed land-use is not consistent with a "*mutual supportive use*" (Policy 3A-01 ii)), "*compatible mixed use*" or "*low intensity ancillary use*" (Policy 3B-01 ii)) to the existing neighbourhood commercial uses in the area. Moreover, the overall automobile-oriented character of the proposed land-use and its associated six (6) foot chain link fence and gates does not "*enhance neighbourhood character*", nor is it an "*incremental expansion of commercial uses consistent with the general character of the adjacent neighbourhood* " (Policy 3B-04 ii).

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division is recommending that the proposed rezoning of the subject property from a "R2-T" Two Family Residential District to a "C2" Commercial District not proceed. There is no need for this commercial land along McGregor nor is this category of commercial land compatible within the existing neighbourhood.

A "C2" commercial zone is not compitable with the existing commercial lands in the neighbourhood. The existing commercial lands along McGregor Street are zoned "C1", the least intensive commercial uses. A "C1" Commercial District is intended to provide local residents with goods and services within the residential neighbourhoods. A "C1.5" commercial district is similar to "C1" in that these land-uses tend to cater to the local residents with some intensive commercial land-users. The Selkirk Avenue commercial street is zoned "C1.5", which is intended to provide the surrounding neighbourhoods with a higher order of commercial services.

A "C2" Commercial District is intended to regulate more intensive commercial sites that do not have a local or neighbourhood orientation. These land-uses tend to cater to a community wide market. For example, commercial land-uses along Henderson Highway are mainly "C2". They may serve the local residents down the street but cater to a larger market in the surrounding North Kildonan area. This zoning category is common throughout the City of Winnipeg especially along major transportation corridors such as Pembina Highway, Portage Avenue and Regent Avenue.

There has not been a demonstrated need to provide additional commercial land in the neighbourhood. Most recently, vacant land at the corner of McGregor and Pritchard was rezoned

from "C1" commercial to residential in order to construct a new residential dwelling. The land was vacant for twenty years. There is also vacant commercial land along Selkirk Avenue that can absorb any demand for commercial operations.

RECOMMENDATION:

A. That By-law 6400/94 **NOT** be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 214/04, attached hereto and dated April 30, 2004, to a "C2" Commercial District.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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

4160

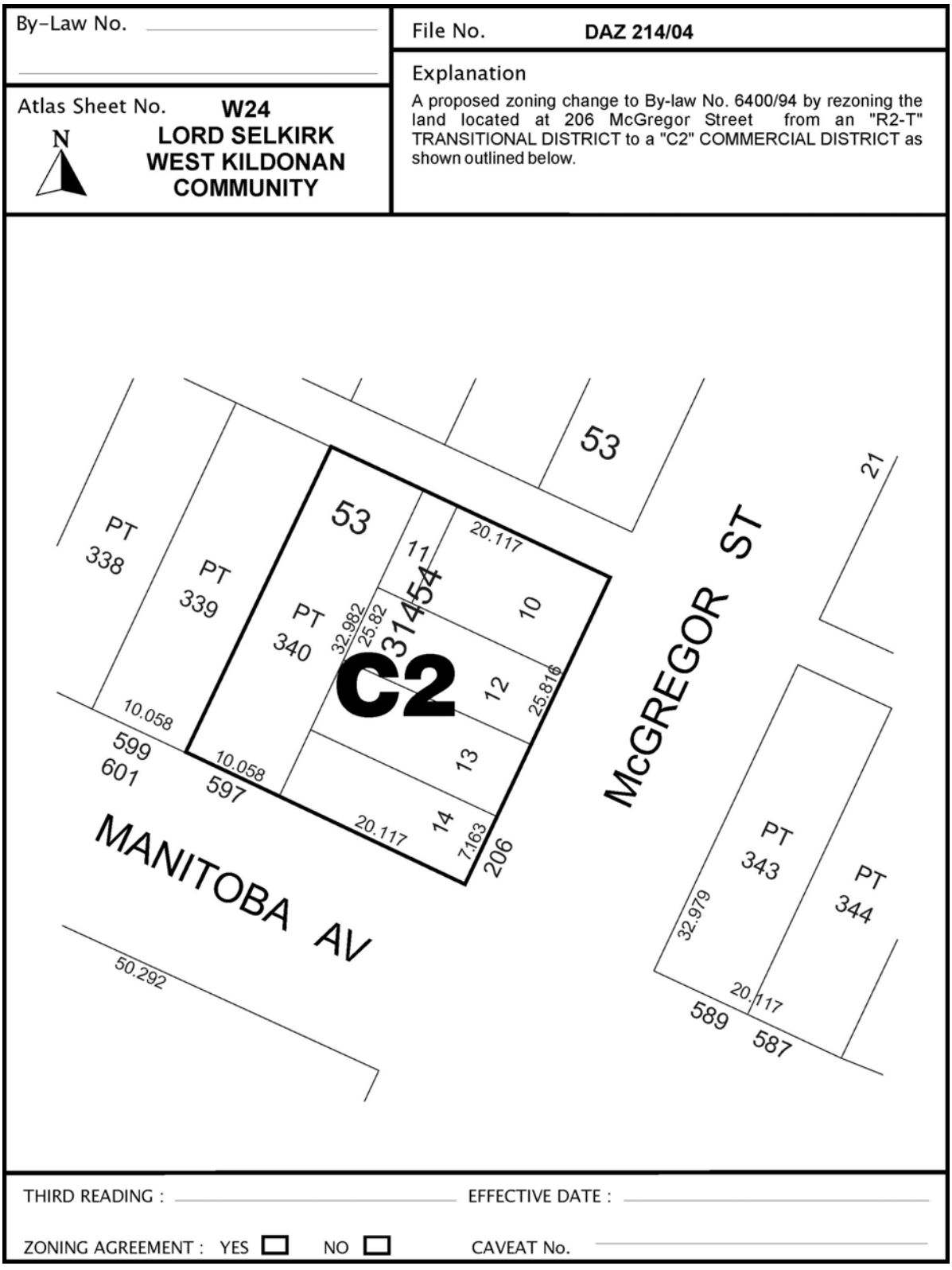


Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File No. DAZ 214/04, dated April 30, 2004.

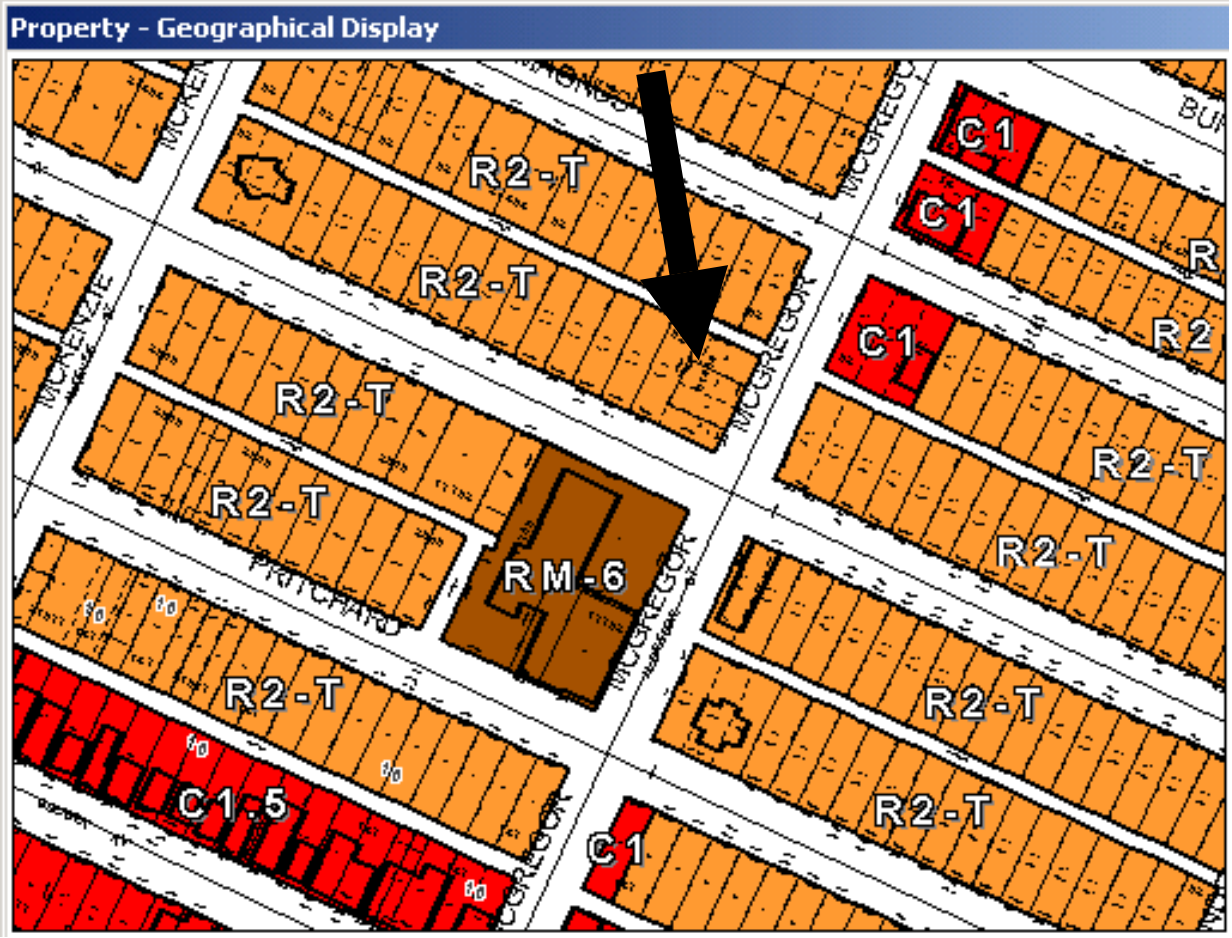


Figure 2: Existing Zoning for subject property and Surrounding Area.



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