Agenda - Council - September 29, 2004

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

Item No. 16 Rezoning - 1325 Markham Road
File DAZ 225/2004

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 Riel 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 225/2004 dated May 11, 2004, to a "C2" Commercial District.

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 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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1325 Markham Road**
File DAZ 225/2004

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **July 9, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Riel 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 225/2004 dated May 11, 2004, to a "C2" Commercial District.

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 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 11, 2004.

PUBLIC HEARING SUMMARY

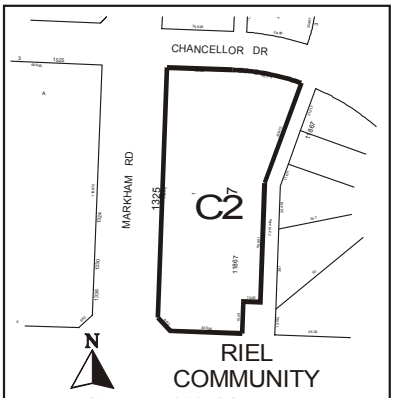
File: DAZ 225 /2004

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: July 6, 2004
Community Committee Chamber, 219 Provencher Boulevard
May 18, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: 4005287 Manitoba Ltd.

Subject:



APPLICANT: 4005287 MANITOBA LTD.
FILE: DAZ 225/04
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for an expanded list of commercial uses. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : 4005287 MANITOBA LTD.
N° DE DOSSIER : DAZ 225/04
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL) afin de permettre l'élargissement de la liste des utilisations commerciales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1325 Markham Road

Exhibits Filed:

1. Application dated April 19, 2004
2. Notification of Public Hearing dated April 21, 2004
3. Manitoba Status of Title 1668083
4. Surveyor's Building Location Certificate and sketch dated August 14, 1981
5. Plan
6. Report from the Manager of Planning and Land Use dated May 11, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Bruce Docking
Patricia Laurie

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

July 6. 2004
Patricia Lawrie, on behalf of the applicant, appeared in support of the application.

May 18, 2004
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit "6" referred to in File DAZ 225/2004

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-7524

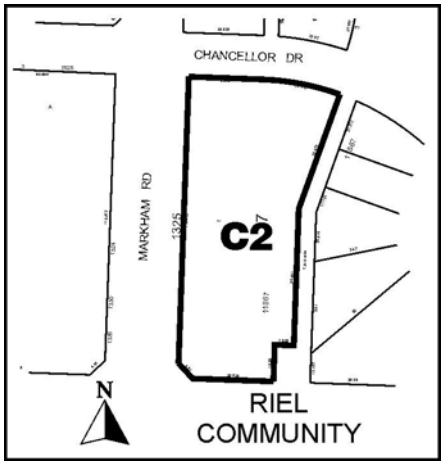
File No. DAZ 225 /04 May 11, 2004
Our c/f CP 500 (. 646)

Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mr. Pittet

REZONING
Location: 1325 Markham Rd.
Riel Community Committee
File No. DAZ 225 /04

An application has been received from Bruce Docking (4005287 Manitoba Ltd.), to amend By-Law No. 6400/94 by rezoning the land shown below from a "C1" Commercial District to a "C2" Commercial District to allow for an expanded list of permitted commercial uses.



RELATED FILES:

4214

SITE DESCRIPTION:

Site Area:
The subject property is approximately 78,000 sq. ft. in total area, a little under two acres. The site has 390'of frontage along Markham Road which is a widened divided right-of –way between Bison Drive and the Chancellor intersection.

Existing Land Use and Zoning:
The existing commercially zoned (C1)one storey building has fifteen units of varying sizes, most of which are occupied by small businesses, dance studios, fitness studios etc.

Surrounding Land Use and Zoning:

North: To the north across Chancellor is a school and a fully developed residential subdivision, zoned R1-5 Residential.
South: To the south is Bison Drive and several large tracts of vacant zoned agricultural land.
East: To the east are single family homes along Alumni Place all zoned R1-5 Residential.
West: To the west is a large multi tenant multiple family complex zoned RM-2 District.

DEVELOPMENT DESCRIPTION:
The applicant proposes to change the zoning of the site to a C2 commercial category in order to add to the list of permitted uses that could establish on the site(i.e. bakeshops, medical & dental clinics or labs, audio/video sales outlets). Potentially contentious uses such as conveniance stores, carwashes and drive-throughs of any type would continue to be conditional uses requiring a public hearing prior to approval.

PLAN WINNIPEG:
The site in question is situated in a Neighbourhood Policy Area which allows for the rezoning of land for commercial development.

ADMINISTRATIVE COMMENTS:
The size and orientation of the existing multi-tenant building and the large number of available parking stalls makes the subject site ideal for a broader range of commercial uses. The proximity to Bison Drive is also extremely advantageous, given that most regular customer traffic will continue to be routed onto the main arterials and not through the adjoining residential areas. As indicated previously, there are uses such as convenience stores which might be deemed by the community to be unsuitable at this location: those kinds of uses are not permitted uses under the C2 zoning. They require a special application and hearing and must face public scrutiny before they are approved on a conditional basis. It is the position of this Department that the vast majority of commercial uses listed as permitted under the C2 category will not have any adverse effect on the existing residential neighbourhood. It is therefore recommended that the subject application be approved by your Committee.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 225/04, attached hereto and dated May 11, 2004, to a "C2" Commercial District.

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/ 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 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.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
Kevin Lalor, Senior Planner
Riel Community
986-5069

/jc

4216

By-Law No. _____

Atlas Sheet No.

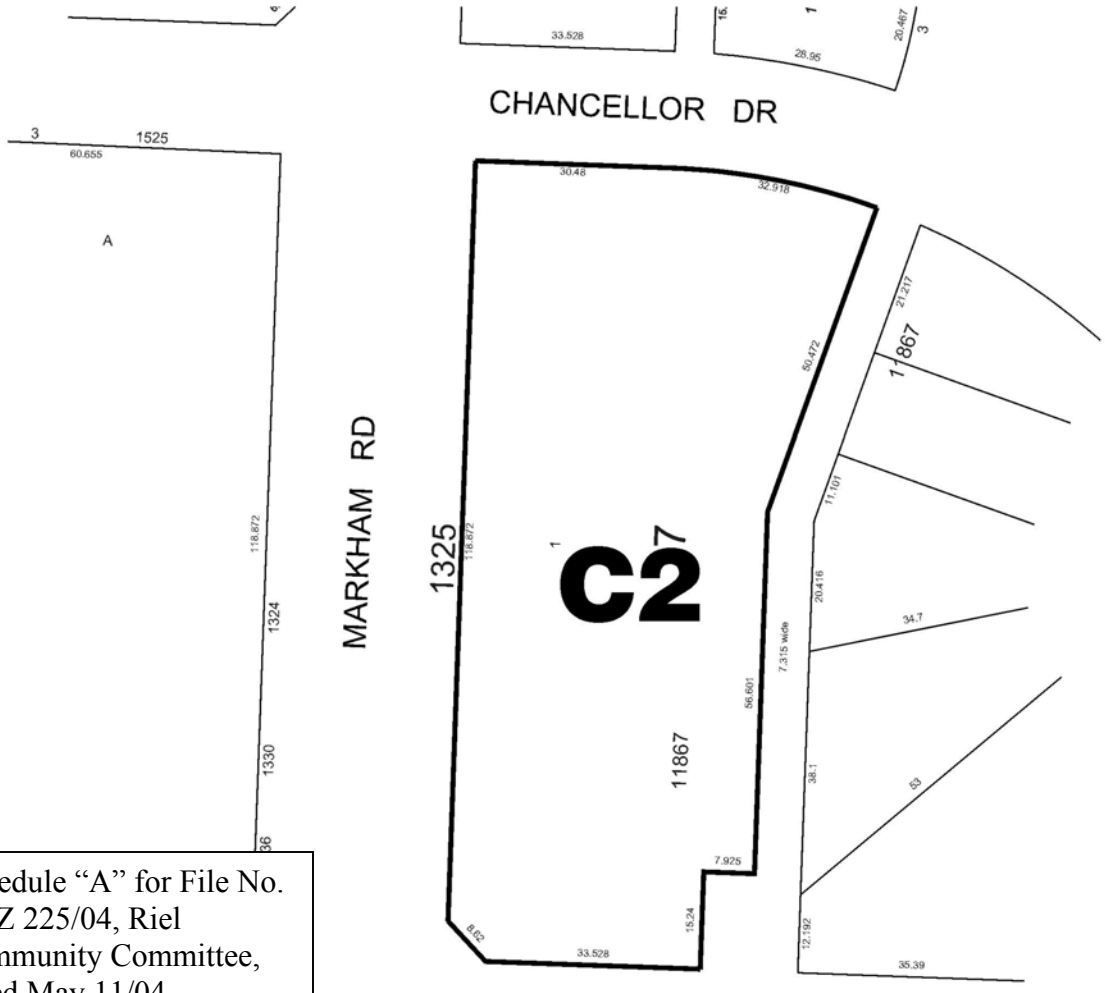
N

AL23
RIEL
COMMUNITY

File No. **DAZ 225/04**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1325 Markham Road from a "C1" COMMERCIAL DISTRICT to an "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 225/04, Riel Community Committee, dated May 11/04.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____