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

Item No. 19 Rezoning - 905 Corydon Avenue
File DAZ 231/2004

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 231/2004 dated June 28, 2004, to a "C1.5" 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 following land uses be permitted:

            a. amusement devices, accessory
            b. art/antique, sales service
            c. art/crafts/hobby: instruction, supplies
            d. artisan, crafting of custom products
            e. bakery, baked goods
            f. bank, credit union, or similar
            g. banking/teller machines
            h. barber shop, beauty salon
            i. bicycle: rental, sale, service
            j. book: sales
            k. butcher
            l. clothing, alteration, repair, sales
            m. dressmaker, furrier, tailor
            n. drug store (closed midnight to 7:00 a.m.)
            o. dwelling units
            p. electronic equipment, rental, sales, service
            q. fabric/yarn sales
            r. florist
            s. general merchandise, retail
            t. grocery, confectionary
            u. gift store

v. jeweler, watchmaker
w. laundry, self-service
x. luggage: rental, sale, service
y. medical, dental, optical, counseling or similar
z. museum, art gallery
aa. musical instruments: rental, sale, service, music instruction
bb. office, except insurance and real estate
cc. personal service
dd. pet sales, pet supplies, pet grooming
ee. reducing salon, health spa, steam bath, tanning salon, or similar
ff. post office
gg. restaurant, maximum 2,000 square feet
hh. retail sales, except beer and liquor
ii. second-hand store
jj. sporting goods
kk. stationery sales
ll. studio
mm. tattoo parlour
nn. toy sales
oo. building materials, hardware, home improvement supplies or equipment: sales
pp. medical, dental, optical or other precision instruments, prosthetics: rental, sale, service
qq. photographic developing/printing

ii. That mobile signs be prohibited.

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.

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

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 with the following amendment, namely;

- Recommendation 1.A.i. add the following permitted uses, namely:

    oo. building materials, hardware, home improvement supplies or equipment: sales
    pp. medical, dental, optical or other precision instruments, prosthetics: rental, sale, service
    qq. photographic developing/printing

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 905 Corydon Avenue**
File 231/2004 /2004 [c/r DAV 133144/2004D]

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

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

Report date: **July 22, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre Community Committee concurred in the administrative recommendation, as amended, 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 231/2004 dated June 28, 2004, to a "C1.5" 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 following land uses be permitted:

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            b. art/antique, sales service
            c. art/crafts/hobby: instruction, supplies
            d. artisan, crafting of custom products
            e. bakery, baked goods
            f. bank, credit union, or similar
            g. banking/teller machines
            h. barber shop, beauty salon
            i. bicycle: rental, sale, service
            j. book: sales
            k. butcher
            l. clothing, alteration, repair, sales
            m. dressmaker, furrier, tailor
            n. drug store (closed midnight to 7:00 a.m.)
            o. dwelling units
            p. electronic equipment, rental, sales, service
            q. fabric/yarn sales
            r. florist

s. general merchandise, retail
t. grocery, confectionary
u. gift store
v. jeweler, watchmaker
w. laundry, self-service
x. luggage: rental, sale, service
y. medical, dental, optical, counselling or similar
z. museum, art gallery
aa. musical instruments: rental, sale, service, music instruction
bb. office, except insurance and real estate
cc. personal service
dd. pet sales, pet supplies, pet grooming
ee. reducing salon, health spa, steam bath, tanning salon, or similar
ff. post office
gg. restaurant, maximum 2,000 square feet
hh. retail sales, except beer and liquor
ii. second-hand store
jj. sporting goods
kk. stationery sales
ll. studio
mm. tattoo parlour
nn. toy sales
oo. building materials, hardware, home improvement supplies or equipment: sales
pp. medical, dental, optical or other precision instruments, prosthetics: rental, sale, service
qq. photographic developing/printing

ii. That mobile signs be prohibited.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reasons 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 June 23, 2004.

2. The permitted uses are appropriate for the particular location on Corydon Avenue.

PUBLIC HEARING SUMMARY

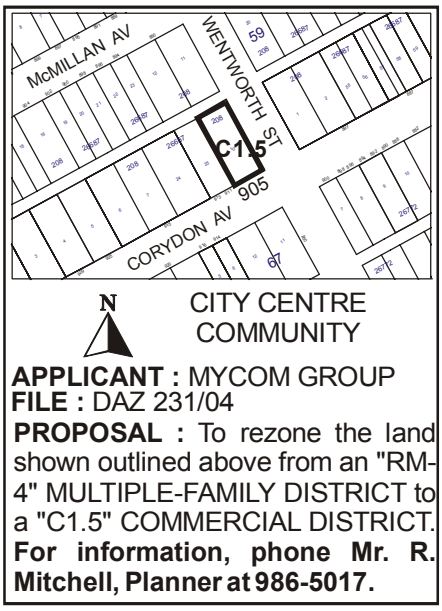
File: DAZ 231/2004 [c/r DAV 133144/2004D]

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

Public Hearing: July 13, 2004
Council Chambers
Council Building, 510 Main Street
June 15, 2004
West Committee Room
Council Building, 510 Main Street

Applicant: Mycom Group Inc. (Bob Antymniuk)

Subject:



Premises Affected: 905 Corydon Avenue

Exhibits Filed:

1. Application dated May 31, 2004
2. Notification of Public Hearing dated June 4, 2004
3. Manitoba Status of Title(s) 1935001
4. Surveyor's Building Location Certificate and sketch dated May 7, 2004

5. Letter of authorization undated from Robert W. Nieman, President, Nieman Enterprises Ltd., to Mycom Group Inc.
6. Extract of Atlas Sheet AC23
7. Plans (2 pages)
8. Report from the Manager of Planning and Land Use dated June 23, 2004

REPRESENTATIONS:

In Support:

Bob Antymniuk, Mycom Group Inc.

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 applicant, Mr. Bob Antymniuk, Mycom Group Inc., appeared in support of the application. Mr. Antymniuk stated concerns with the reduction of permitted uses in the administrative recommendation, as many of the permitted uses under the "C1.5" Commercial District not included already exist on Corydon Avenue. Mr. Antymniuk requested that all permitted uses be included in the recommendation.

Councillor Smith inquired as to the restriction on the permitted uses.

The Senior Planner stated that the restrictions were added due to the size and the limited parking of the site. He also stated that the application was for a specific use. He further stated that in future if the ownership were to change, there would be an opportunity to reapply for different uses.

Councillor Gerbasi inquired if there were particular uses Mr. Antymniuk would like reinstated.

Mr. Antymniuk stated animal hospital clinic, audio visual sales, building materials, clubs and licensed premises, convenience stores, laundry and dry cleaning, electronic equipment, hardware store, library, bookstore, medical prosthesis use, office, radio or TV station, etc., as they already existed in the area.

Councillor Gerbasi stated that Corydon Avenue had a mixed use, but there was a need for a neighbourhood plan. Councillor Gerbasi inquired as to whether any uses in particular were important or if it was all uses that the applicant wanted.

Mr. Antymniuk stated it was all permitted uses under the "C1.5" Commercial District.

Exhibit "8" referred to in File DAZ 231/2004 [c/r DAV 133144/2004D]

In reply please refer to / Référence à rappeler :

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

File No. DAZ 231/04 (c/r DAV 04 133144D) June 23, 2004
Our c/f CP 500 (.110)

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

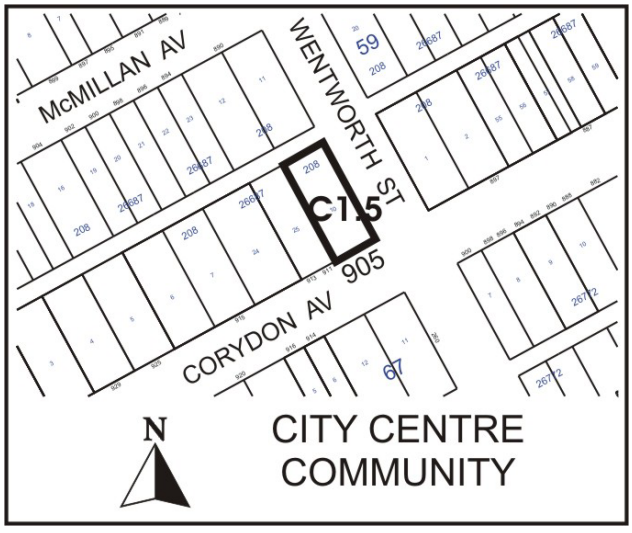
Dear Ms Marques:

REZONING

905 Corydon Avenue
City Centre Community Committee
File No. DAZ 231/04

An application has been received from Bob Antymniuk, to amend By-Law No. 6400/94 by rezoning the land shown below from a "RM-4" Residential District to a "C1-5" Commercial District to allow for a proposed grocery store and restaurant.

RELATED FILES: DCU 04 133144D



SITE DESCRIPTION:

Site Area: Approximately 6,025.85 square feet (559.82 square metres).

Existing Land Use and Zoning: vacant, one-storey commercial building, formerly used as a drug store and watchmaker, zoned "RM-4".

Surrounding Land Use and Zoning:
North: across lane, 3-storey apartment building zoned, zoned "R2".
South: across Corydon, 3-story apartment building zoned "RM-4".
East: Corydon Plaza commercial strip-mall zoned "C1.5".
West: laundromat, zoned "RM-4".

DEVELOPMENT DESCRIPTION:
The applicant is proposing to renovate the building for use as a small grocery store and restaurant. The older, 1-storey building has a floor area of about 4,650 square feet, and is demised into two units fronting Corydon. The proposed floor plan shows the building demised into two units. The east unit has a floor area of 1,950 square feet, and may be used as a restaurant. The west unit has a floor area of 2,700 square feet, and may be used for a specialty food store. The site measures about 50' by 120' (6,000 square feet), and provides parking off the back lane for 6 cars.

PLAN WINNIPEG:
The proposal complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The proposed rezoning to a "C1.5" Commercial District is compatible with the area. The planned development consists of a small restaurant and grocery store. These proposed businesses are compatible with the Corydon area, as the neighbourhood is predominantly mixed-use.

The subject property is located along Corydon Avenue at the start of the commercial strip. Its current zoning does not reflect the existing building type, nor does it reflect the nature of the street. The proposed rezoning would bring the subject property up to date with the current character of the street and its burgeoning "village" atmosphere.

The existing neighbourhood is relatively dense and diverse, and has an urban focus. This translates into a strong pedestrian sensibility, but leads to parking problems in the immediate area. Most of this section of Corydon's commercial buildings are set along the front property lines with limited parking to the rear and with any additional parking on the public front street. The urban nature of the street and the character of the built environment has created a different kind of relationship from what is normally seen in the typical auto-oriented development of newer areas, resulting in a parking standards that are characteristically not at the same level as those in suburban commercial areas. In this case, the site plan shows that only 6 parking stalls

will be provided to the rear of the building off the public lane, customers will, for the most part, have to use on street parking.

The building will be subdivided into two, with the proposed future restaurant occupying approximately 1950 square feet and the proposed grocery store occupying 2700 square feet.

The Department is prepared to support the application subject to a Zoning Agreement prohibiting certain commercial uses that may be detrimental to the surrounding area. In particular, the Department would not want to see a cabaret or cocktail lounge occupy the building.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ231/04, attached hereto and dated, June 28, 2004, to a "C1.5" 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 following land uses be permitted:

- amusement devices, accessory
- art/antique, sales service
- art/crafts/hobby: instruction, supplies
- artisan, crafting of custom products
- bakery, baked goods
- bank, credit union, or similar
- banking/teller machines
- barber shop, beauty salon
- bicycle: rental, sale, service
- book: sales
- butcher
- clothing, alteration, repair, sales
- dressmaker, furrier, tailor
- drug store (closed midnight to 7:00 a.m.)
- dwelling units
- electronic equipment, rental, sales, service
- fabric/yarn sales
- florist
- general merchandise, retail
- grocery, confectionary
- gift store
- jeweler, watchmaker
- laundry, self-service

- luggage: rental, sale, service
- medical, dental, optical, counselling or similar
- museum, art gallery
- musical instruments: rental, sale, service, music instruction
- office, except insurance and real estate
- personal service
- pet sales, pet supplies, pet grooming
- reducing salon, health spa, steam bath, tanning salon, or similar
- post office
- restaurant, maximum 2,000 square feet
- retail sales, except beer and liquor
- second-hand store
- sporting goods
- stationery sales
- studio
- tattoo parlour
- toy sales

2. That mobile signs be prohibited.

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

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By-Law No. _____

File No. **DAZ 231/04**

Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 905 Corydon Avenue from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 231/04, dated June 28, 2004.



Aerial view of subject property.



View from Corydon of subject property (June 21, 2004).