Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 7 Rezoning - 702 - 704 Scotland Avenue
File DAZ 242/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 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 242/2004 dated July 21, 2004, 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 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That land use on the site be restricted to the following as permitted uses:
            a. Accessory uses
            b. Day care center
            c. Church, synagogue or similar place of religious worship
            d. Mail order business
            e. Medical, dental, optical, counseling or other therapeutic clinic
            f. Office

        ii. That final plans indicating the design of the building, including the location and design of exterior illumination, garbage enclosures, landscaping and facia signage be subject to the approval of the City Centre Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That business hours be Monday through Friday, 8:00 a.m. to 8:00 p.m.

        iv. That free-standing, mobile, and temporary signs and attention-getting devices be prohibited on the site.

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.

Report - Standing Policy Committee on Property and Development - October 5, 2004

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 it 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 - October 5, 2004

DECISION MAKING HISTORY:

On October 20, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 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 September 21, 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 - 702 - 704 Scotland Avenue**
File DAZ 242/2004 [DAV 316619/2004]

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

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

Report date: **September 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the City Centre Community Committee concurred in the revised administrative recommendation dated September 21, 2004, 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 242/2004 dated July 21, 2004, 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 240(1) of The City of Winnipeg Charter, to provide for the following:

i. That land use on the site be restricted to the following as permitted uses:
   a. Accessory uses
   b. Day care center
   c. Church, synagogue or similar place of religious worship
   d. Mail order business
   e. Medical, dental, optical, counseling or other therapeutic clinic
   f. Office

ii. That final plans indicating the design of the building, including the location and design of exterior illumination, garbage enclosures, landscaping and facia signage be subject to the approval of the City Centre Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That business hours be Monday through Friday, 8:00 a.m. to 8:00 p.m.

iv. That free-standing, mobile, and temporary signs and attention-getting devices be prohibited on the site.

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 it 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. That this development is an improvement to the area.

PUBLIC HEARING SUMMARY

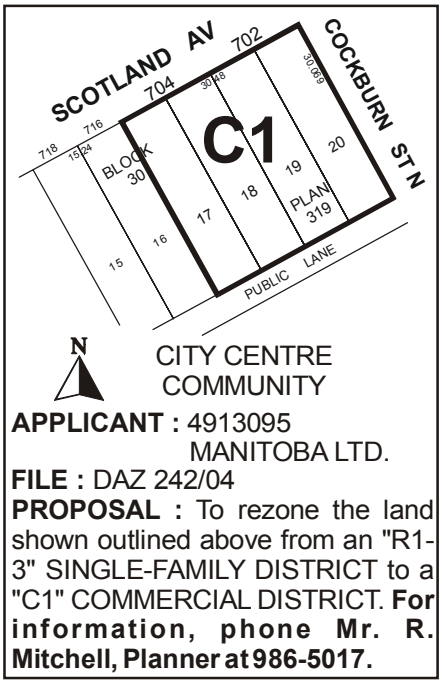
File: DAZ 242/2004 [c/r DAV 316619/2004]

Applicant: 4913095 Manitoba Ltd. (Tony Bagnulo)

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

Public Hearing: September 21, 2004
Council Chamber
Council Building, 510 Main Street

Subject:



Premises Affected: 702 - 704 Scotland Avenue

Exhibits Filed:

1. Application dated July 6, 2004
2. Notification of Public Hearing dated July 14, 2004
3. Manitoba Status of Title 2017799
4. Surveyor's Building Location sketch dated September 20, 1999
5. Extract of Atlas Sheet AD24

6. Variance Order DAV 558/99C
7. Plans (2 pages)
8. Report from the Manager of Planning and Land Use dated July 21, 2004
9. Revised report from the Manager of Planning and Land Use dated September 21, 2004
10. Inspection Report
11. Presentation in opposition to the application, submitted by Peter Seneshen at the public hearing.

REPRESENTATIONS:

In Support:

Tony Bagnulo, 4913095 Manitoba Ltd.

In Opposition:

Harry Indzeoski
David Hackbart
Peter Seneshen

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Tony Bagnulo, 4913095 Manitoba Ltd., appeared in support of the application and gave a brief presentation on the application. Mr. Bagnulo stated concurrence with the planner's revised report dated September 21, 2004.

David Hackbart appeared in opposition to the application. Mr. Hackbart stated concerns with traffic.

Peter Seneshen appeared in opposition to the application and submitted a written presentation, filed as Exhibit 11.

Harry Indzeoski appeared in opposition to the application. Mr. Indzeoski stated that he was long time resident of area and that the application was not an improvement to the area.

In rebuttal, Mr. Bagnulo stated that the concerns raised were created because of the wording of the report. He stated that he had applied for all the necessary permits. He further stated that the traffic issues would be eased as he was moving the entrance of the building to Cockburn Street.

Exhibit "8" referred to in File DAZ 242/2004 [c/r DAV316619/2004]

In reply please refer to / Référence à rappeler :

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

File No. DAZ 242/04 July 21st , 2004
Our c/f CP 500 (.106)

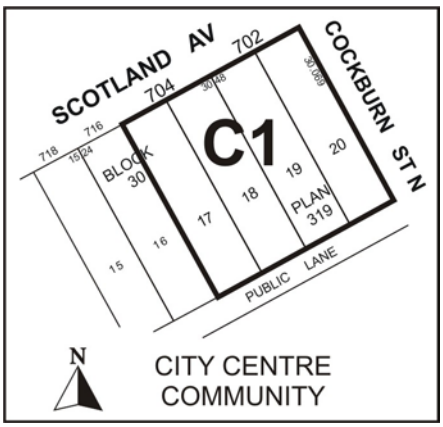
Ms. Josie Marques, Community Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Ms. Marques:

REZONING
702/704 Scotland Ave.
City Centre Community Committee
File No. DAZ 242/04

An application has been received from 4913095 Manitoba Ltd, to amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-3" Single Family District to a "C1" Commercial District to allow for development of a four tenant office building.

RELATED FILE: DAV 04-316619D



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The site area is 921.7 square metres (9913 square feet). The subject property is currently zoned "R1-3" Single Family District. The previous occupant, Cricklewood Ltd, was permitted by variance to operate a warehouse in an existing non-conforming industrial building. The variance order expired with the sale of the property.

Surrounding Land Use and Zoning:

North: Single family residential (R1-3)
South: Vacant land (R1-3) adjacent to Grant Street Right of Way
East: An apartment block then a commercial building (mix of R1-3 and C2) adjacent to Pembina Highway
West: Single family residential (R1-3)

DEVELOPMENT DESCRIPTION:

The applicant is requesting rezoning of the subject site from 'R1-3' Single Family Residential to 'C1' Commercial to permit the development of a four tenant office building by renovating the existing building. The applicant proposes to relocate the main entrance of the existing building from facing Scotland Avenue to Cockburn Street. The applicant proposes to retain the existing parking lot. The applicant has also applied for a related use variance to permit the reduction of parking stalls from nine to eight to comply with the requested C1 zoning requirements.

PLAN WINNIPEG:

The subject property falls within a designated Residential Policy Area under Plan Winnipeg that supports a mixture of neighbourhood scale uses including commercial development. The proposed commercial development is compatible with surrounding scale and use. It conforms to Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning of the site to 'C1' Commercial. The proposed office building will fit with the surrounding neighbourhood and its scale and density is appropriate. The proposed design of the building will improve its existing industrial exterior and will complement the neighbourhood. Parking is not anticipated to be intensive or obtrusive in nature. A variance will be required to reduce available parking from nine stalls to eight stalls. If required, on street parking is available.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 242/04, attached hereto and dated, 2004, 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 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That land use on the site be restricted to the following as permitted uses:
   - Accessory uses
   - Day care center
   - Church, synagogue or similar place of religious worship
   - Mail order business
   - Medical, dental, optical, counseling or other therapeutic clinic
   - Office

2. That final plans indicating the design of the building, including the location and design of exterior illumination, garbage enclosures, landscaping and signage be subject to the approval of the City Centre Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That business hours be Monday through Friday, 8am to 8pm.

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 it 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: _____
R. Mitchell , Senior Planner
(City Centre Community)
986-5017

/jc

5062

By-Law No. _____

File No. **DAZ 242/04**

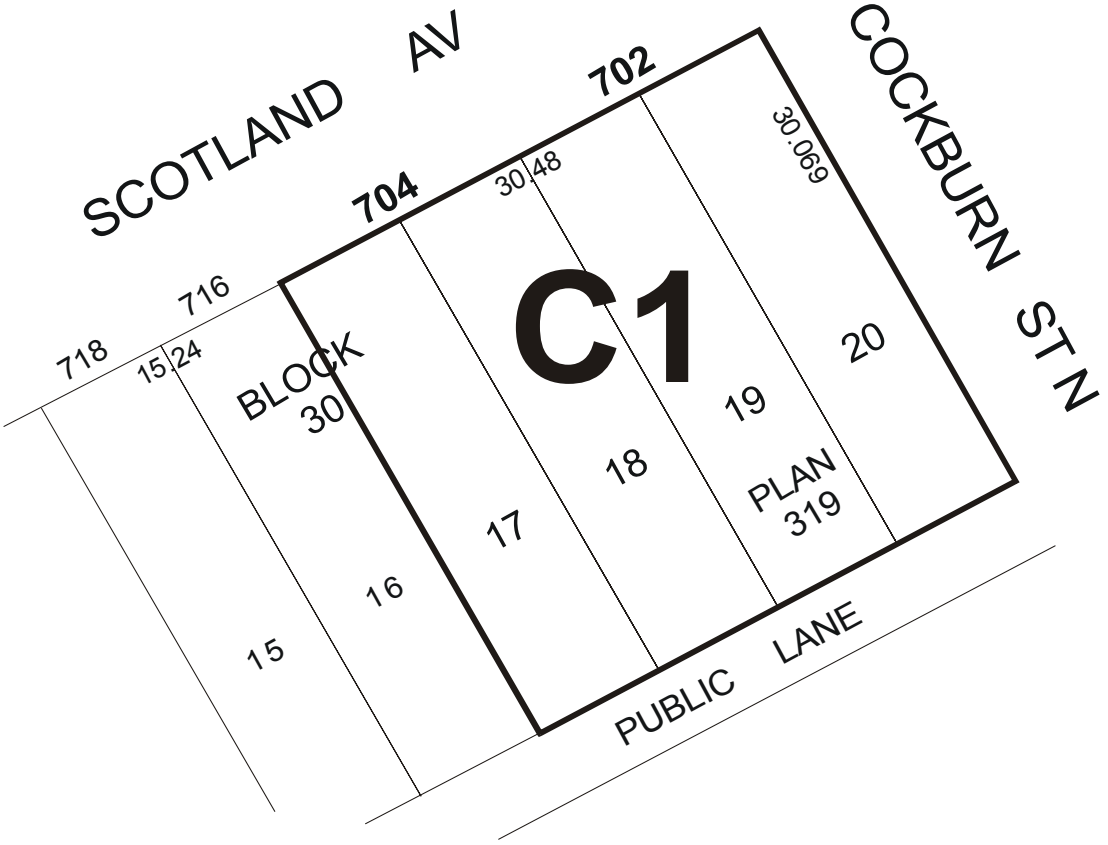
Atlas Sheet No.

N

AD24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 702/704 Scotland Avenue from an "R1-3" SINGLE-FAMILY DISTRICT to a "C1" 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. DASZ 242/04, dated July 21, 2004.



Figure 2: Air Photo of Subject Property and Surrounding Context

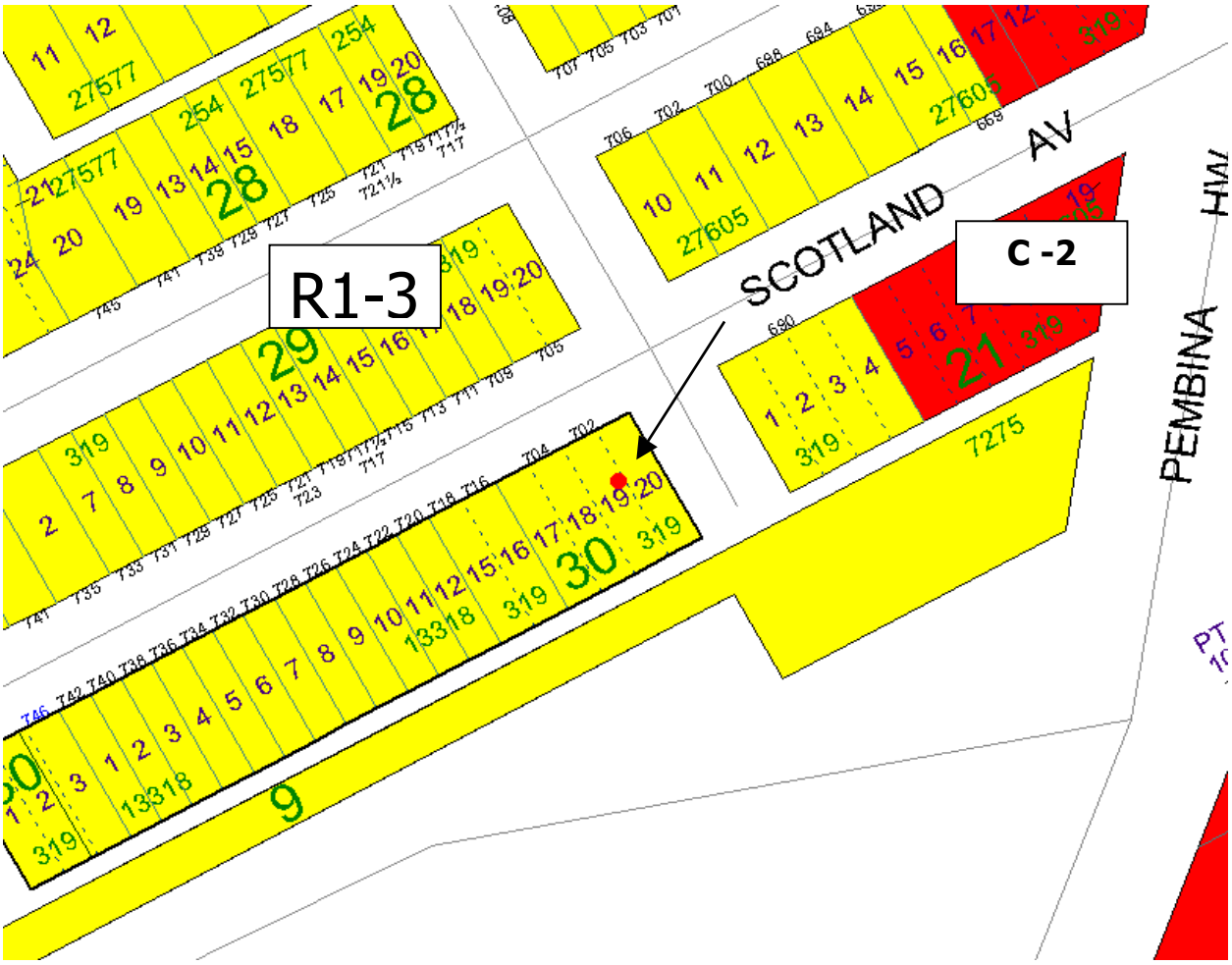


Figure 3: Zoning Map of Subject Property and Surrounding Context

In reply please refer to / Référence à rappeler :

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

File No. DAZ 242/04 (revised) September 21st , 2004
Our c/f CP 500 (.106)

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City Centre Community Committee
Council Building
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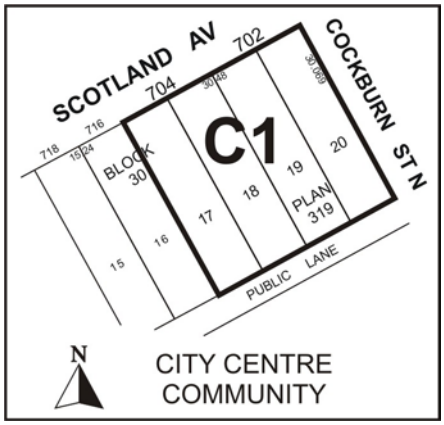

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RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 242/04, attached hereto and dated, 2004, 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 240(1) of The City of Winnipeg Charter, to provide for the following:

4. That land use on the site be restricted to the following as permitted uses:
   - Accessory uses
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6. That business hours be Monday through Friday, 8am to 8pm.

7. That free-standing, mobile, and temporary signs and attention-getting devices be prohibited on the site.

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.

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Manager of Planning and Land Use

Per: _____
R. Mitchell , Senior Planner
(City Centre Community)
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By-Law No. _____

File No. **DAZ 242/04**

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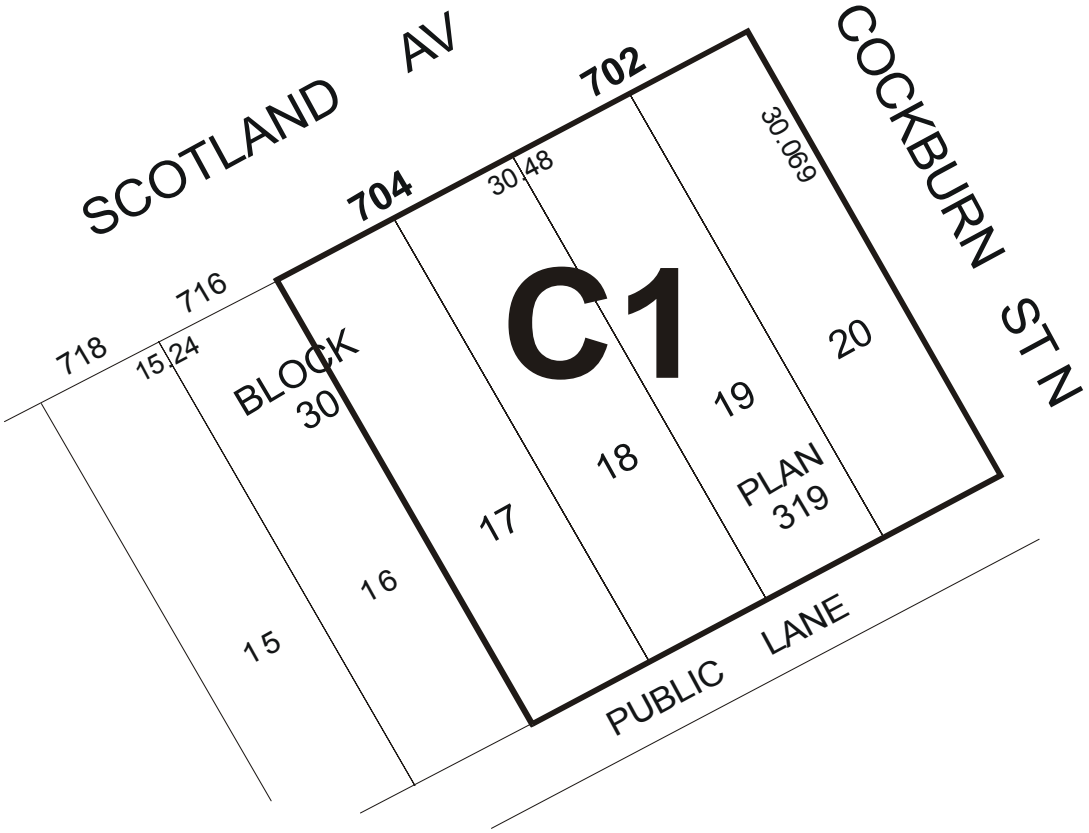


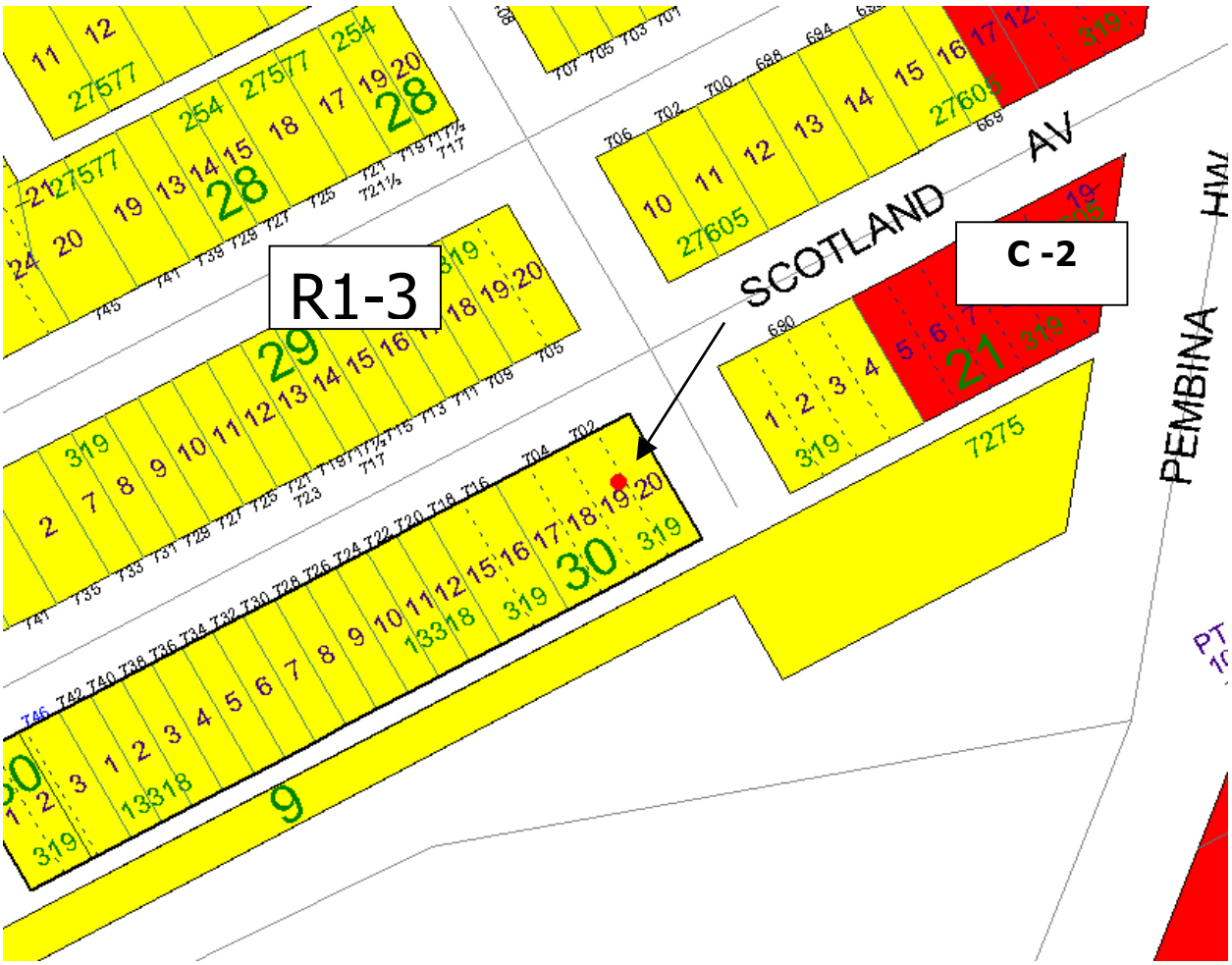
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule A to the report to the City Centre Community Committee for File No. DASZ 242/04, dated July 21, 2004.



Figure 2: Air Photo of Subject Property and Surrounding Context



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