Agenda - Council - October 27, 2004

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

Item No. 9 Rezoning - 422 - 424 Dufferin Avenue
File DAZ 244/2004

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 Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 244/2004 dated August 31, 2004, to a "C2" Commercial District.

2. That a ten per cent (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 - 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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 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 - 422/424 Dufferin Avenue**
File DAZ 244/2004 [c/r DAV 317667/2004D]

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

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

Report date: September 10, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2004, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 244/2004 dated August 31, 2004, to a "C2" Commercial District.

2. That a ten per cent (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.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated August 31, 2004.

PUBLIC HEARING SUMMARY

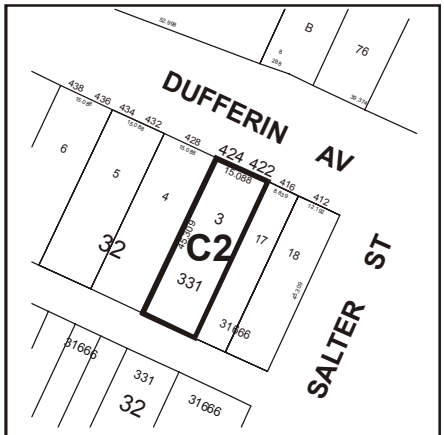
File: DAZ 244/2004 [c/r DAV 317667/2004D]

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

Public Hearing: September 7, 2004
West Committee Room
Council Building
510 Main Street

Applicant: Andrew Wach Architects
(Andrew Wach)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : ANDREW WACH
ARCHITECTS

FILE : DAZ 244/04

PROPOSAL : To rezone the land shown outlined above from an "M1" INDUSTRIAL DISTRICT to an "C2" COMMERCIAL DISTRICT. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 422 - 424 Dufferin Avenue

Exhibits Filed:

1. Application dated July 12, 2004
2. Notification of Public Hearing dated July 22, 2004
3. Manitoba Status of Title 1411043
4. Letter of authorization dated June 7, 2004 from Mateusz and Sophie Jasnikowski to Andrew Wach
5. Preliminary Site Plan
6. Report from the Manager of Planning and Land Use dated August 31, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Andrew Wach
Kim Bailey
Tracy Cappello
Deborah Cumby
Gloria Enns
Brenda Slobozian

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Andrew Wach, on behalf of the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use.

Exhibit “6” referred to in File DAZ 244/2004

In reply please refer to / Référence à rappeler :

David Marsh AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 244/04 (c/r DAV 04-317667D) August 31st, 2004
Our c/f CP 300 (.328)

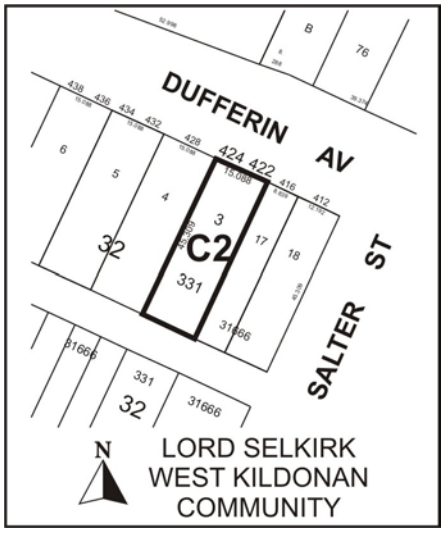
Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
422 / 424 Dufferin Ave
Lord Selkirk – West Kildonan Community
File No. DAZ 244/04

An application has been received from Andrew Wach Architects, to amend By-Law No. 6400/94 by rezoning the land shown below from a “M1” Industrial District to a “C2” Commercial District to allow for the establishment of a counselling clinic.

RELATED FILES: DAV 04-317667D



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The subject property is zoned 'M1' Industrial, and is currently occupied by a duplex residential building facing Dufferin Ave, and a single story industrial building occupied by an automobile repair business facing the rear lane. The property is approximately 7,500 square feet (0.17 acres) in size.

Surrounding Land Use and Zoning:

North: Dufferin Ave, then an industrial building (M1), vacant land, and residential buildings (R2-T)
South: A public lane, then industrial buildings and vacant land (M2)
East: Residential / commercial buildings (M1), then Salter St
West: Residential and industrial buildings (M1)

DEVELOPMENT DESCRIPTION:

The applicant is proposing to rezone the land to 'C2' Commercial to permit the establishment of a counselling clinic on site, which is not a permitted use under the property's current 'M1' Industrial zoning. The organization proposing to run the clinic, Sage House, will offer a variety of counselling services for women, as well as support services, such as laundry and food preparation. All proposed activities will occur within the existing duplex structure at 422 / 424 Dufferin Ave, which is currently in a high state of maitenance and repair. The applicant is also proposing to retain the existing automobile service use on-site, which is located in an approximately 1,200 square foot single story building located adjacent to the rear lane.

PLAN WINNIPEG:

The subject property falls within a designated Industrial Policy Area under Plan Winnipeg which allows for industrial, and related or supportive commercial development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning, as it will permit continuation of an established commercial enterprise on-site, and the incorporation of clinical counselling services for the surrounding neighbourhood. The existing residential structure on site is in a high level of maintenance, and similar residential properties on the south side of Dufferin Ave have been converted for industrial or commercial use. The proposed rezoning is compatible with the surrounding area, and will not adversely impact adjacent properties.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 244/04, attached hereto and dated August 31st, 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 be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. 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: David Marsh AICP, Planner III
986-5549

By-Law No. _____

File No. **DAZ 244/04**

Atlas Sheet No. **X24**

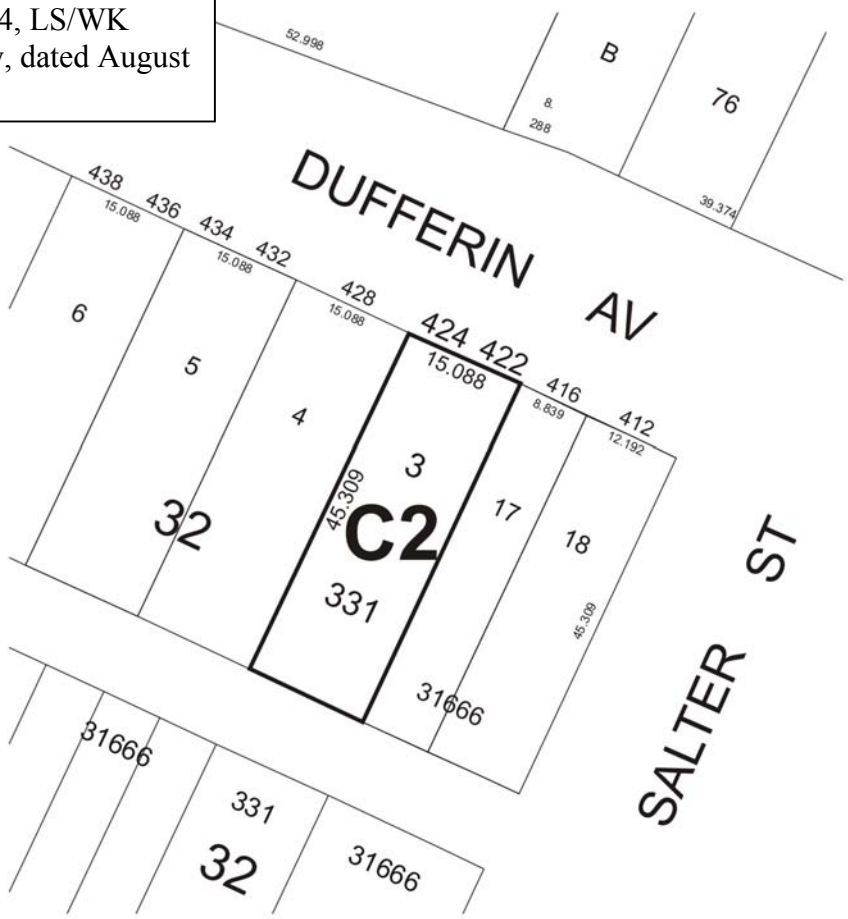
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 422/424 Dufferin Avenue from an "M1" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 244/04, LS/WK Community, dated August 31/04



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____