Agenda - Council - November 24, 2004

Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 5 Rezoning - 841/851 Regent Avenue West
File DAZ 237/2004

STANDING COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, 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 237/2004 dated July 22, 2004, to a "C2" Commercial District subject to the applicant entering 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:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan-Transcona Community Committee for plan approval 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.

    B. That the following signs shall be prohibited on the "C2" land:

        i. Free-standing signs in excess of thirty (30) feet in height.

        ii. Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit.

        iii. Flashing or scintillating signs.

    C. That the minimum distance from the Regent Avenue West property line to any building shall be twenty-five (25) feet.

2. That the Developer enter into a Servicing Agreement with the City containing the following condition:

    A. That a pedestrian sidewalk be constructed along the west side of Chrislind Street from Regent Avenue West to the north limit of the property being rezoned.

Report - Standing Policy Committee on Property and Development - November 2, 2004

3. 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.

4. 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.

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 prepare the necessary rezoning by-law and forward same to Council for all three readings.

8. 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 - November 2, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments, namely:

- Renumber Recommendation 4 as Recommendation 1.C. and delete the words "fifty-five (55) feet" and replace with the words "twenty-five (25) feet"

- Renumber the remaining recommendations

- Recommendation 2.A.
  Delete the words "to Ravelston Avenue West" and replace with the words "to the north limit of the property being rezoned",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation No. 1.B.i. be amended by substituting the words "twenty-five (25)" with the words "thirty (30)".

- That Recommendation Nos. 2 to 8, inclusive, be renumbered to Recommendations Nos. 3 to 9, inclusive.

- That a new Recommendation No. 2 be added as follows:

  "2. That the Developer enter into a Servicing Agreement with the City containing the following condition:

Report - Standing Policy Committee on Property and Development - November 2, 2004

DECISION MAKING HISTORY (continued):

A. That a pedestrian sidewalk be constructed along the west side of Chrislind Street from Regent Avenue West to Ravelston Avenue West."

- That Recommendation No. 4 (formerly Recommendation No. 3) be deleted and replaced with the following:

"4. That the minimum distance from the Regent Avenue West property line to any building shall be fifty-five (55) feet",

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

RE: **Rezoning – 841/851 Regent Avenue**
File DAZ 237/2004

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

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 18, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2004, the East Kildonan-Transcona 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 237/2004 dated July 22, 2004, to a "C2" Commercial District subject to the applicant entering 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:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan-Transcona Community Committee for plan approval 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.

    B. The following signs shall be prohibited on the "C2" land:

        i. Free-standing signs in excess of ***thirty (30) feet*** in height;

        ii. Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit; and

        iii. Flashing or scintillating signs.

2. That the Developer enter into a Servicing Agreement with the City containing the following condition:

A. That a pedestrian sidewalk be constructed along the west side of Chrislind Street from Regent Avenue West to Ravelston Avenue West.

3. 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.

4. That the minimum distance from the Regent Avenue West property line to any building shall be fifty-five (55) feet.

5. 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.

6. 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

9. 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The subject application is a suitable compromise and has building setbacks in relation to what currently exists in the area.

2. The installation of a sidewalk will service the seniors in the area, and those accessing the subject property.

PUBLIC HEARING SUMMARY

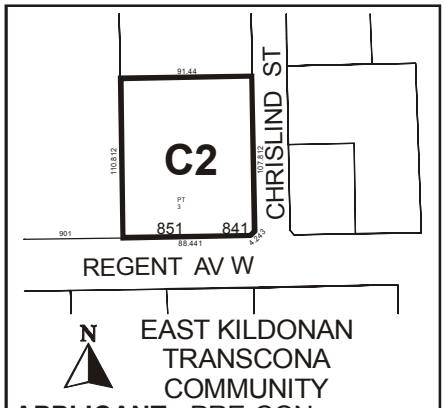
File: DAZ 237/2004

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Lubosch
Councillor Thomas

Public Hearing: October 5, 2004
September 14, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Rob Lee

Subject:



APPLICANT : PRE-CON BUILDERS
FILE : DAZ 237/04
PROPOSAL : To rezone the land shown outlined above from an "M1" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and to consider a special front yard set back along Regent Avenue West.. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 841/851 Regent Avenue West

Exhibits Filed:
1. Application dated June 11, 2004
2. Notification of Public Hearing dated June 15, 2004
3. Manitoba Status of Title 1205410

4. Surveyor's Building Location Certificate and Sketch dated April 3, 2000
5. Letter of authorization dated June 2, 2004 from Nellie A. Bigar, B. & N. Holdings Ltd., to Ross Ransby and/or Rob Lee
6. Report from the Manager of Planning and Land Use dated July 22, 2004
7. Inspection Report
8. Plan submitted by John Wintrup, Planner, City of Winnipeg
9. Photographs (12) submitted by Rob Lee, applicant, at the public hearing held on September 14, 2004
10. Communication dated September 27, 2004, from Dan Connon, Connon Holdings Inc., registered owner of 827 Regent Avenue West, in support of the application, submitted by Rob Lee, applicant, at the public hearing held on October 5, 2004

REPRESENTATIONS:

In Support:

Rob Lee
Matthew Narvey
Ross Ransby

In Opposition:

Nil

For Information:

Matthew Narvey

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

September 14, 2004

Rob Lee appeared in support of the application, and advised that the subject property will be used in a bid for the construction of a Health Access Centre for the Winnipeg Regional Health Authority.

John Wintrup submitted a proposed layout of the subject property, filed as Exhibit 8.

Rob Lee indicated that he is opposed to the administrative recommendation that a 25 feet front yard adjacent to Regent Avenue West be established, and requested that it be amended to 10 feet. In this connection, he submitted photographs of other properties that purportedly have less than a 25 foot front yard setback, filed as Exhibit 9. John Wintrup responded that many of the commercial properties, especially those oriented to automobile and truck related uses, as well as industrial uses on Regent Avenue, have at least a front yard of 25 feet.

Rob Lee further indicated that he is also opposed to the administrative recommendation relative to prohibiting free-standing signs in excess of 25 feet in height. In this connection, he indicated that he wishes to install a pylon sign approximately 35 feet in height, as permitted in the The Winnipeg Zoning By-law. John Wintrup confirmed that a 35 foot free-standing sign is permitted within a "C2" zoning designation.

Ross Ransby appeared in support of the application, and advised that he represents the landlord that recently acquired the property. He advised that in order to facilitate the construction, the subject layout is purportedly the only feasible layout due to the space constraints. In this connection, he expressed his opinion that a 10-foot setback is not unreasonable given the proposed "C2" Commercial District zoning designation, and commented that if the setback were larger, they likely would not win the proposal for construction.

Councillor Wyatt questioned if the applicant had any letters of support for the application, to which the applicant advised he does not.

Councillor Wyatt indicated that he would prefer that the front yard to Regent Avenue West be greater than the proposed 25 feet and questioned if the applicant would be willing to reconsider their position. He further indicated that the application could be deliberated upon at the subject public hearing or the applicant could consult with surrounding property owners and obtain written support for the frontage setback.

Rob Lee appeared in support of the application. He again requested that the installation of a 35 foot pylon sign be permitted, in accordance with the "C2"zoning designation of The Winnipeg Zoning By-law, as opposed to the administrative recommendation restricting it to 25 feet in height.

He indicated that at the previous public hearing he was requested to contact neighbours to the proposed development, and in this connection, advised that although he was unable to consult with neighbours west of the subject site, he did have a written letter in support of the application from the Good Year Service Centre, which he submitted for the record, filed as Exhibit 10.

Rob Lee requested a 35 foot setback, as opposed to the administrative recommendation of a 25 foot front yard adjacent to Regent Avenue West.

Exhibit “6” referred to in File DAZ 237/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 237/04
Our c/f CP 500 (.433)

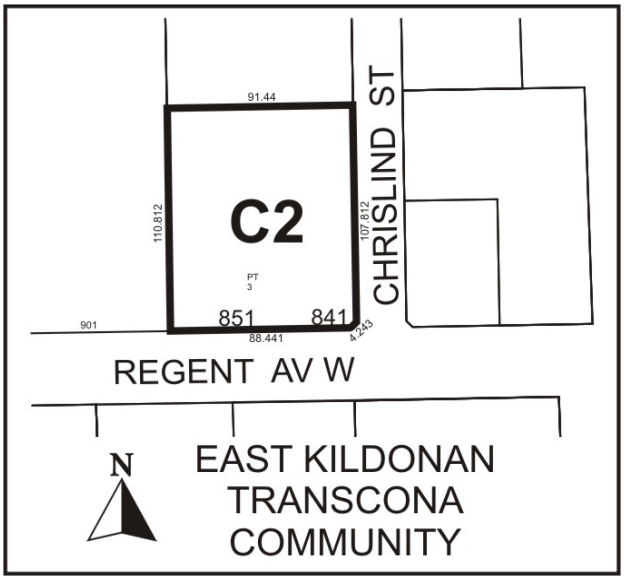
July 22, 2004

Ms. Inga Skundberg, Community Clerk
East Kildonan - Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
841 / 851 Regent Avenue West
East Kildonan - Transcona Community Committee
File No. DAZ 237/04

An application has been received from Rob Lee to amend By-Law No. 6400/94 by rezoning the land shown below from a “M1” Industrial District to a “C2” Commercial District for commercial uses.



SITE DESCRIPTION:

Site Area: 2.5 acres (10,134.072 square metres)

Existing Land Use and Zoning: Vacant Restaurant and a Car Dealership zoned "M1"

Surrounding Land Use and Zoning:

North: Industrial Use zoned "M1"
South: Across Regent Avenue West, Canad Inns Hotel zoned "C3-1".
East: across Chrislund Street, Multi-tenant commercial strip mall zoned "M1".
West: Northern Blower, zoned "M1"

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the property in order to bid for the construction of a Health Access Centre for the Winnipeg Regional Health Authority. The land could also be redeveloped with commercial uses not related to the Health Access Centre if the bid should not materialise.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division has met with representatives from the Winnipeg Regional Health Authority, the Province of Manitoba and their architects to confirm the uses in the proposed Health Access Centres. The Health Access Centres are multi-purpose facilities that provide a full range of medical, counselling and other health related services. The Division feels these uses are best classified as 'Medical, Counselling and Health Clinic' under by-law 6400. This use is 'permitted' in the following zones:

"C1.5" Commercial District
"C2" Commercial District
"C4" Commercial District
"CR" Commercial District
"BP" Boulevard Provencher District; and;
"MP-S" Industrial District

A "C2" Commercial District is common throughout the City of Winnipeg especially along transportation corridors such as Pembina Highway, Portage Avenue, Main Street, St. Mary's Road, St. Anne's Road, and Regent Avenue West (between Winona and Day). There are 104 Permitted Uses and 47 Conditional Uses in the "C2" Commercial District.

The Planning and Land-Use Division supports the rezoning application. The characteristics of the Regent strip have evolved somewhat in the last few years with the addition of commercial buildings such as 'Blockbuster Video', the casino and hotels. The automobile industry that dominates the south side of Regent is still prominent but non-auto related users have been introduced. Industrial users such as Northern Blower, Buhler Industries, etc on the north side of Regent have been joined by non-industrial users such as restaurants, strip malls, etc. The proposed "C2" zoning category accurately represents the future of the Regent Avenue West strip that will continue to evolve as additional commercial users are introduced.

Signage is a particular concern considering the evolving image of Regent. Flashing signage and free standing signs in excess of the allowable amount would prove detrimental.

Front yards are also a concern. There is no front yard requirement for "C2". However, the "C3" Commercial Districts (which has a significant orientation to automobile and truck related uses) that covers the south side of the Regent Avenue West (Plessis to Owen Street) requires a front yard of 25 feet. Likewise, the existing "M1" Industrial District for the north side of the Regent Avenue West strip requires a front yard of 25 feet. In order to maintain consistence for the new commercial uses with the existing users (industrial and automobile) that will likely remain on the Regent Avenue West strip, it is recommended that a 25 foot front yard be retained for the "C2" Commercial zone along this street.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 237/04, attached hereto and dated, July 22, 2004, to a "C2" Commercial District subject to the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter Act, to provide for the following:

    A. That, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval 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;

B. The following signs shall be prohibited on the "C2" land:

i) Free-standing signs in excess of twenty-five (25) feet in height;

ii) Mobile advertising signs, except for a period of fourteen (14) days upon issuance of a new occupancy permit; and

iii) Flashing or scintillating signs.

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 a 25 feet front yard adjacent to Regent Avenue West be established.

IV. 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.**

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 prepare the necessary rezoning by-law and forward same to Council for all three readings.

VIII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter Act.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By-Law No. _____

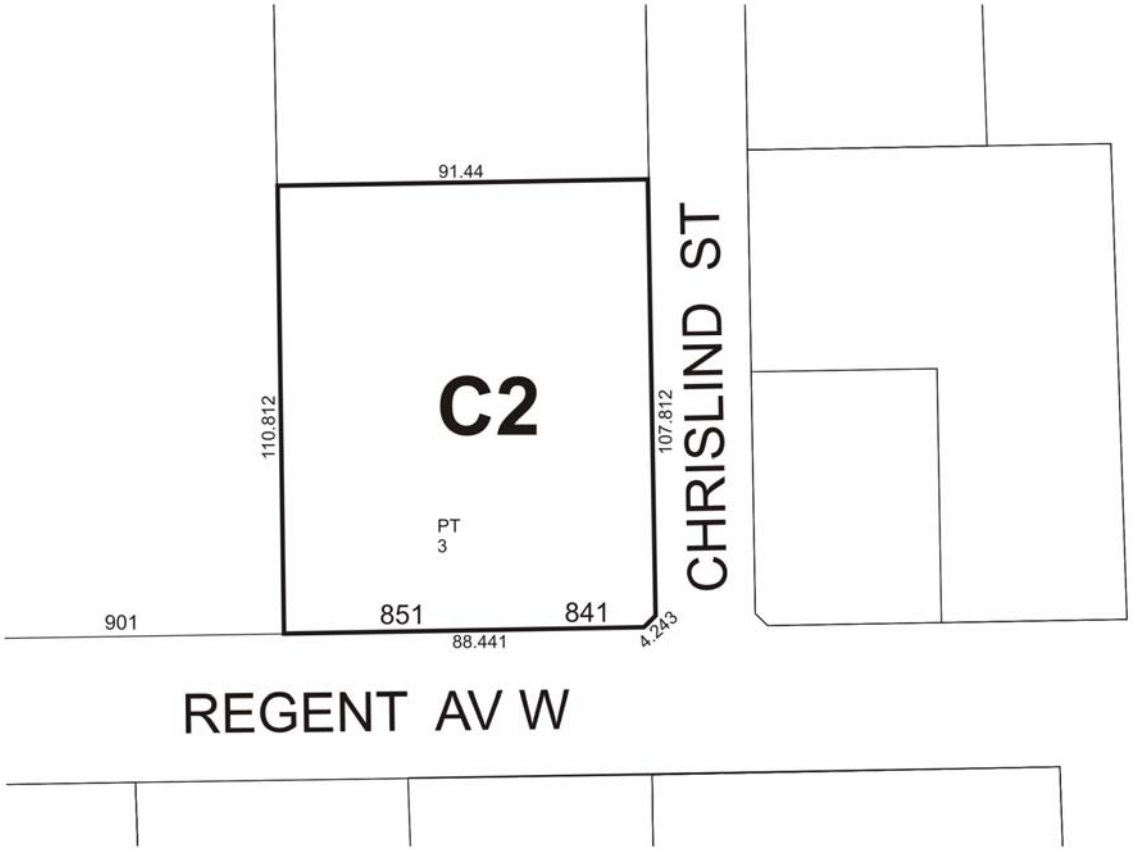
File No. **DAZ 237/04**

Atlas Sheet No. **Z33**
EAST KILDONAN TRANSCONA COMMUNITY

N

Explanation

A proposed zoning change to By-Law No. 6400/94 by rezoning the land located at 841/851 Regent Avenue West from an "M1" INDUSTRIAL DISTRICT to a "C2" 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 East Kildonan - Transcona Community Committee for File No. DAZ 237/04, dated July 22, 2004.

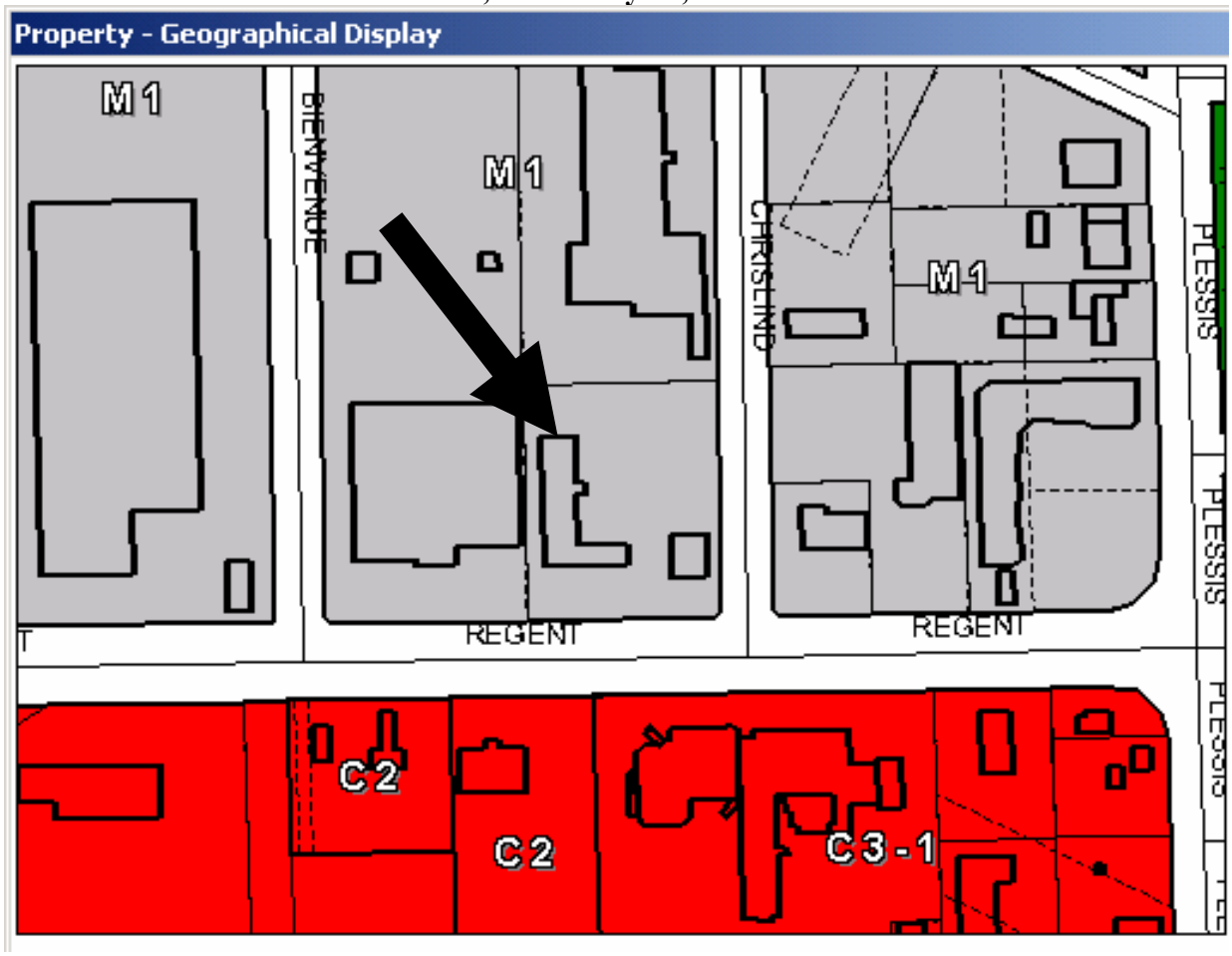


Figure 2: Existing Zoning for subject property and Surrounding Area.

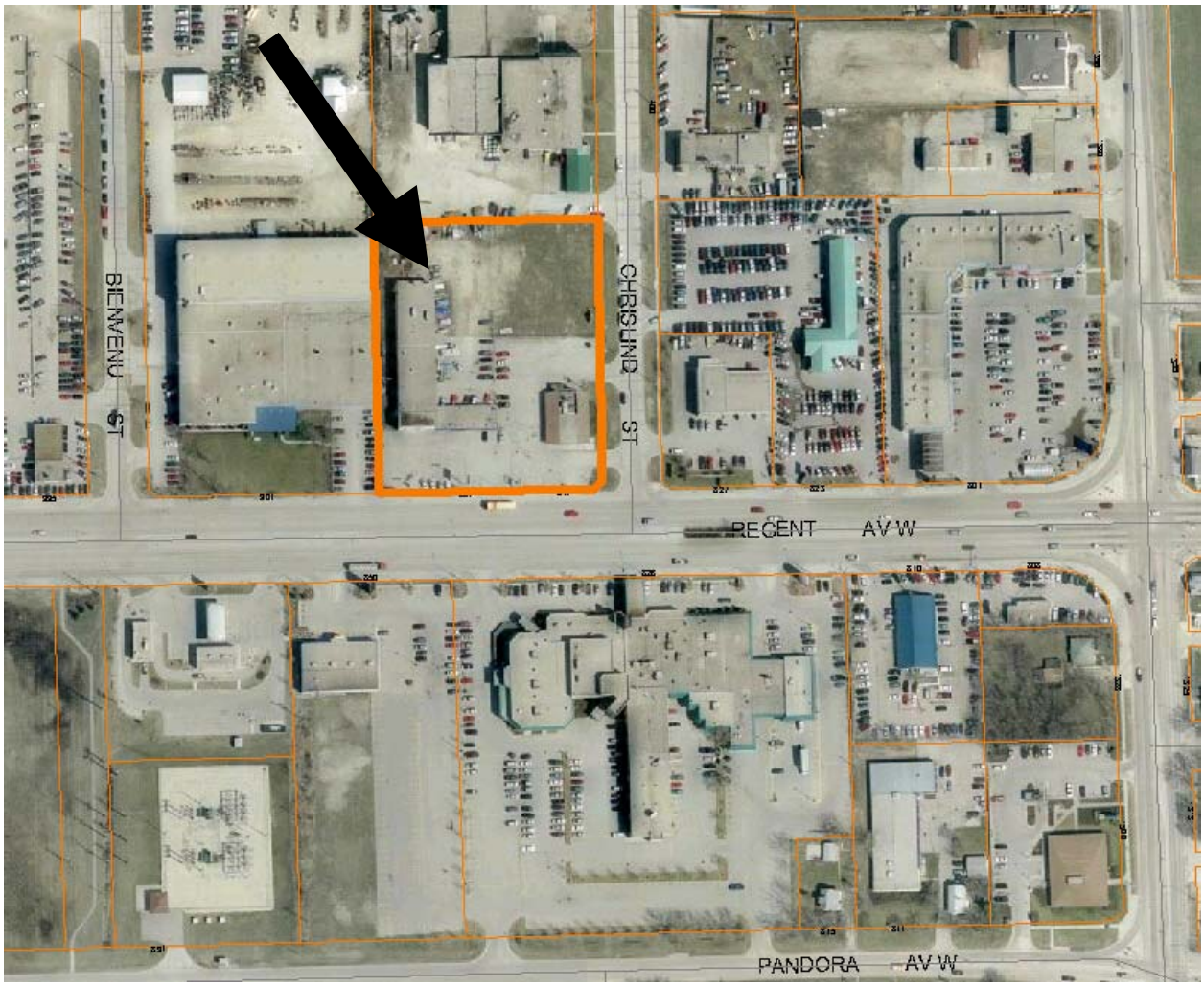


Figure 3: Existing Land-Uses for subject property and Surrounding Area.