Agenda - Council - December 15, 2004

Report - Standing Policy Committee on Property and Development - November 30, 2004

Item No. 8 Rezoning - 585 London Street
File DAZ 260/2004

STANDING COMMITTEE RECOMMENDATION:

On December 8, 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 260/2004 dated October 14, 2004, to a "C1" 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 to provide for the following:

   A. That the use of the land be restricted to Office uses.

   B. That client hours be restricted to 8:00 a.m. to 9:00 p.m. Monday to Saturday.

   C. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area and that signs be installed indicating this restriction.

   D. That signage be restricted to a maximum of twenty-five (25) square feet.

   E. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the East Kildonan – Transcona Community Committee.

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, if applicable.

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.

Report - Standing Policy Committee on Property and Development - November 30, 2004

4. 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.

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

6. 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.

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.

Agenda - Council - December 15, 2004

Report - Standing Policy Committee on Property and Development - November 30, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 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 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, namely:

- Add a new Recommendation No. 2 as follows and re-number the remaining recommendations accordingly:

    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, if applicable.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 585 London Street**
File DAZ 260/2004 [c/r DAV 330806/2004D]

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

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

Report date: **November 8, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 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 260/2004, dated October 14, 2004, to a "C1" 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, to provide for the following:

    A. That the use of the land be restricted to Office uses;

    B. That client hours be restricted to 8 a.m. to 9 p.m. Monday to Saturday;

    C. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area, and that signs be installed indicating this restriction;

    D. That signage be restricted to a maximum of 25 square feet;

    E. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Community Committee..

2. 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.

3. 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.

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

5. 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.

6. 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 East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The application is consistent with the rest of the subject property which is zoned a commercial district.

PUBLIC HEARING SUMMARY

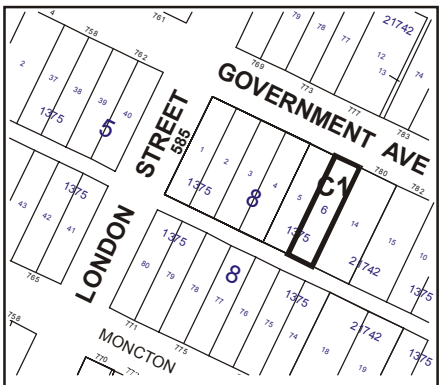
File: DAZ 260/2004 [c/r DAV 330806/2004D]

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

Public Hearing: November 2, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Todd Hallson, Vantage Builders

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : VANTAGE BUILDERS

FILE : DAZ 260/04

PROPOSAL : To rezone the land shown outlined above from an "R1-5" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 585 London Street

Exhibits Filed:

1. Application dated October 12, 2004
2. Notification of Public Hearing dated October 13, 2004
3. Manitoba Status of Titles 1583866 and 1583871
4. Surveyor's Building Location Certificate and Sketch dated September 30, 1997

5. Letter of authorization dated July 8, 2004 from Lynn Haworth, 3722091 Manitoba Ltd. to Vantage Builders
6. Variance Order DAV 904/97D
7. Conditional Use Order DCU B/85
8. Drawing of subject property
9. Report from the Manager of Planning and Land Use dated October 14, 2004
10. Inspection Report
11. Communication dated September 30, 2004, from Wendal Olojan in support of the construction of the garage on the subject property

REPRESENTATIONS:

In Support:
Todd Hallson, Vantage Builders

In Opposition
Nil

For Information:
Nil

For the City:
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Todd Hallson appeared in support of the application. He indicated that the subject application is essentially a housekeeping item inasmuch as when lots 1 to 5 were previously rezoned commercial, lot 6 was inadvertently omitted. He submitted a ccommunication from the adjacent neighbour in support of the construction of a garage on the subject property, filed as Exhibit 11.

Exhibit "9" referred to in File DAZ 260/2004 [c/r DAV 330806/2004D]

In reply please refer to / Référence à rappeler :

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

File No. DAZ 260/04 October 14, 2004
Our c/f CP 500 (.423)

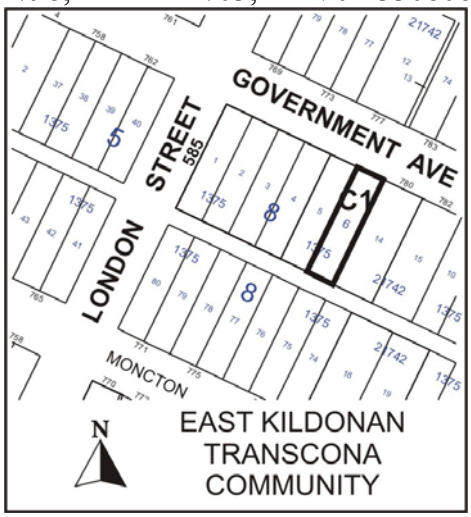
Ms. Inga Skundberg, Community Clerk
East Kildonan - Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
585 London Street (Lot 6)
East Kildonan - Transcona Community Committee
File No. DAZ 260/04

An application has been received from Vantage Builders (Todd Hallson) to amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-5" Residential District to a "C1" Commercial District to allow for the maintenance of a Business Office and a Dwelling Unit for an employee and the construction of a detached garage.

RELATED FILES: DAZ 201/98, DAZ 222/03, DAV04-330806



SITE DESCRIPTION:

Site Area: 2,500 square feet (232.25 square metres)

Existing Land Use and Zoning: Lot 6 that has part of building at 585 London and a vacant yard all zoned "R1-5".

Surrounding Land Use and Zoning:

North: Single family dwelling zoned "R1-5".
South: Single family dwelling zoned "R1-5".
East: Single family dwelling zoned "R1-5".
West: Commercial building zoned "C1". Lots 1-5 of 585 London Street.

DEVELOPMENT DESCRIPTION:

The proposed rezoning is to allow for the maintenance of an existing office use in association with a dwelling unit for an employee of the business office (Lots 1-5). The predominant business is an accounting office employing 6 persons. The other business is a small computer consulting business, with a maximum of 3 employees, servicing mainly employees and clients of the accounting office. A detached garage will be constructed on this portion of the property (Lot 6). A variance is being requested for a substandard rear yard. The rear yard is taken as the east side of the subject property since the front yard is technically on London Street.

PLAN WINNIPEG:

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

ADMINISTRATIVE COMMENTS:

This is mainly a 'housekeeping' matter: a previous application for 585 London Avenue rezoned Lots 1-5 to "C1" Commercial . Lot 6, which is under the same land title, was omitted in the rezoning.

The applicant would now like to construct a detached garage next to the commercial building. The detached garage will be on Lot 6, which is still zoned residential. Zoning By-law 6400 does not allow an accessory structure (detached garage) without a principle building in Residential Districts. The applicant is required to rezone the land in order to construct the garage.

A Zoning Agreement has been registered that affects Lots 1-5 of 585 London. It is recommended that the same agreement be registered for Lot 6.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 260/04, attached hereto and dated, October 14, 2004, to a "C1" 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, to provide for the following:

1. That the use of the land be restricted to Office uses;

2. That client hours be restricted to 8 a.m. to 9 p.m. Monday to Saturday;

3. That client parking be restricted to the most westerly four (4) stalls of the proposed parking area, and that signs be installed indicating this restriction;

4. That signage be restricted to a maximum of 25 square feet;

5. That no exterior alteration or additions be made to the existing building and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Community Committee..

II. 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.**

III. 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.

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

V. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. That the City Solicitor 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: _____
John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By-Law No. _____

File No. **DAZ 260/04**

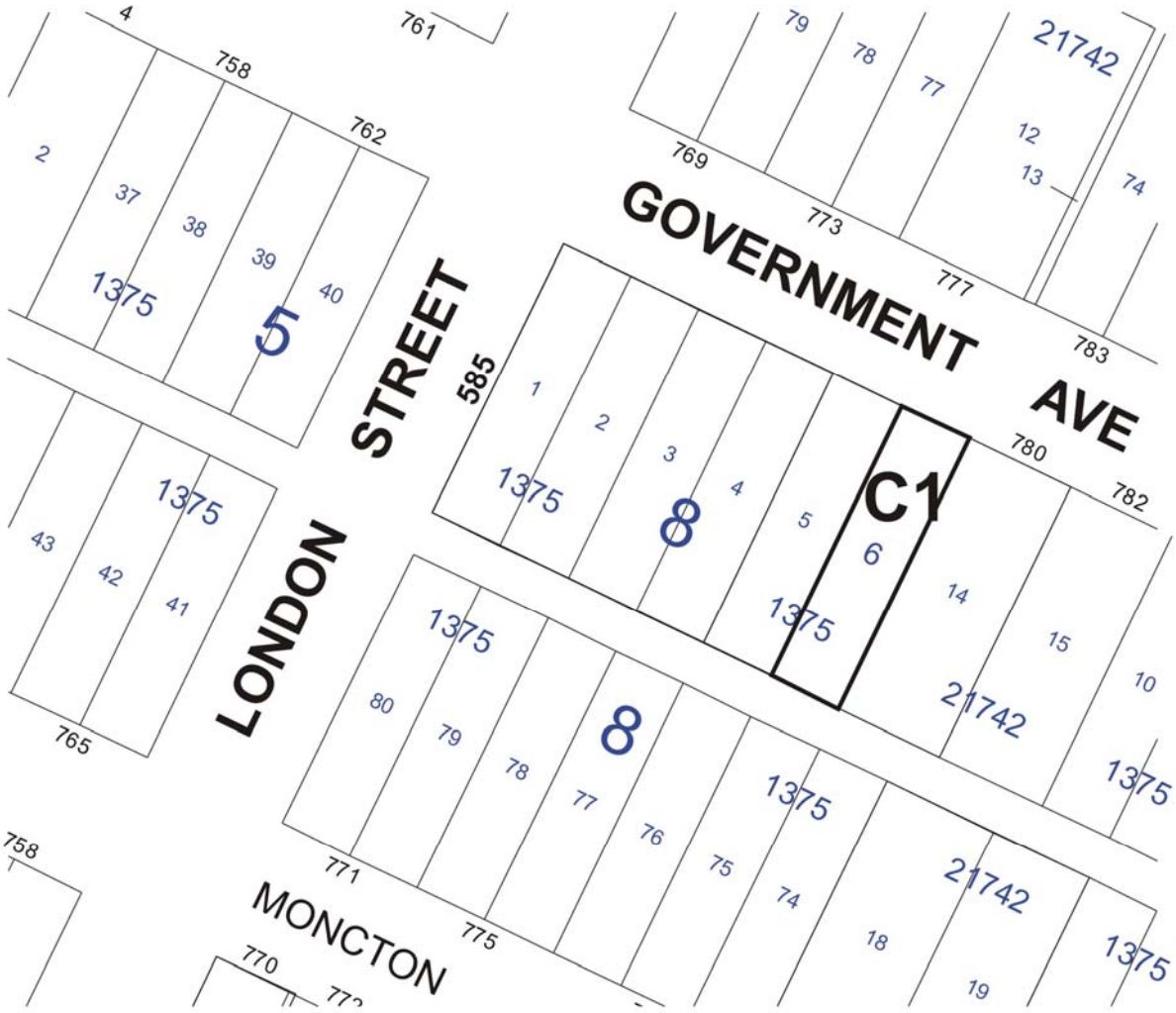
Atlas Sheet No. **X29**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 585 London Street from a "R1-5" 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 East Kildonan - Transcona Community Committee for File No. DAZ 260/04, dated October 14, 2004.



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



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