Agenda - Council - January 26, 2005

Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 6 Rezoning - 489 Des Meurons Street
File DAZ 264/2004

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel 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 264/2004 dated December 7, 2004, to a "C2" 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 use of the site be limited/restricted to the following uses:

            a. a contractors establishment with accessory storage areas
            b. offices
            c. beauty salon/barbershop
            d. florist shop
            e. single family dwelling
            f. gift store
            g. jeweler / watchmaker business
            h. stationary sales
            i. arts and crafts and hobby equipment sales/supplies

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.

Report - Standing Policy Committee on Property and Development - January 10, 2005

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.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 489 Des Meurons Street**
File DAZ 264/2004 [c/r DAV 333991/2004D]]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **December 15, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the Riel 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 264/2004 dated December 7, 2004, to a "C2" 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 use of the site be limited/ restricted to the following uses:

            a. a contractors establishment with accessory storage areas;
            b. offices;
            c. beauty salon/barbershop;
            d. florist shop;
            e. single family dwelling;
            f. gift store;
            g. jeweler / watchmaker business;
            h. stationary sales;
            i. arts and crafts and hobby equipment sales/supplies.

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 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.

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.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated December 7, 2004.

PUBLIC HEARING SUMMARY

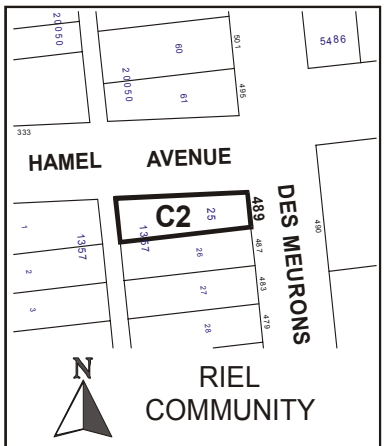
File: DAZ 264/2004 [c/r DAV 333991/2004D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: December 14, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Richard Stefanyshyn

Subject:



APPLICANT: MR. R. STEFANYSHYN
FILE: DAZ 264/04
PROPOSAL: To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : M. R. STEFANYSHYN
N° DE DOSSIER : DAZ 264/04
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2-T (SECTEUR DE TRANSITION) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 489 Des Meurons Street

Exhibits Filed:

1. Application dated November 4, 2004
2. Notification of Public Hearing dated November 9, 2004
3. Manitoba Status of Title 1898433
4. Surveyor's Building Location Certificate and sketch dated October 21, 2004
5. Letter of authorization dated October 1, 2004 from Flora Ann Koppanyi to Richard Stefanyshyn
6. Extract of Atlas Sheet AA27
7. Proposed Building Plan (2 pages)
8. Report from the Manager of Planning and Land Use dated December 7, 2004

REPRESENTATIONS:

In Support:

Flora Koppanyi

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Flora Koppanyi appeared in support of the application.

Exhibit “8” referred to in File DAZ 264/2004 [c/r DAV 333991/2004D]

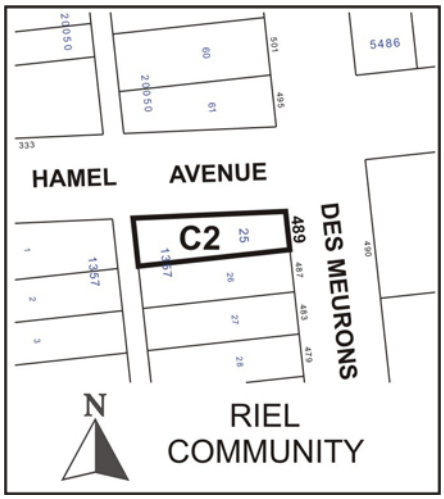
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: December 7/04
File: DAZ 264 /04
Related Files: DAV 04-333991/D
Subject: To rezone the subject property from a R2-T Residential category to a C2 Commercial category to allow for a contractors establishment (specifically a plumbing an heating business) and associated offices/ basement storage and parking area for several vehicles.

Location: 489 Des Meurons
Legal Description: Lot 25 Block 3 Plan 1357 80 St. B.



Applicant: Mr. R. Stefanyshyn
Owner: Flora Koppanyi

Recommendation: (Approved with Conditions)

5090

Site Description

The overall site area totals approximately 3800 sq. feet. There is a one story stucco building occupying the site with a rear parking area off the rear lane. The land is zoned R2-T Residential but occupied with a commercial building. Adjoining properties to the north , south and west are similarly zoned R2-T but occupied with single family and two family residences. Directly across Des Meurons to the east are several large industrial businesses zoned M1 Industrial.

Background

The owners, the Koppanyi's, owned and operated a non conforming commercial business (a dental clinic) for years out of the existing commercial building. Mrs. Koppanyi, now wishes to sell the property to a buyer (Fern's Plumbing and Heating) who will operate their offices out of the existing building. The basement will be utilized as a storage area . A rezoning to C2 Commercial is procedurally required in order to permit the establishment of the aforementioned new use.

Description of the Proposed Development

As outlined, the prospective new owners wish to operate their plumbing and heating business out of the existing building. They have indicated that they will operate several vans which will not be on site during regular daytime hours but will be stored on site at night. The owners will operate their office out of the main floor area of the building and there will be some storage of materials in the basement area. Projected hours of operation are, at this time , not available.

Analysis

As indicated earlier, the existing building is a commercial building which has been utilized for commercial purposes for some time without any apparent negative effect on the surrounding residential neighbourhood. The Planning Department , is of the view, that the a rezoning to C2 Commercial can be supported, provided that use of the site is restricted to a small list of uses that are not deemed to be incompatible with the adjoining neighbourhood; uses which generally do not generate much traffic or activity and which do not require much in the way of parking. The proposed use would seem to fall into that category. During the day, the new owners will be operating their office out of the premises. At night the building will be empty but their vehicles, will, on occasion , be stored on the property. It is, our view , that with the recommended restrictions in place, the new business, should not have any adverse effect on adjacent residences.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- A commercial business has operated at the subject location for a number of years.
- The use of the site will be restricted to uses not deemed to be incompatible with the adjacent neighbourhood.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 264/04, attached hereto and dated December7, 2004, to a "C2"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 use of the site be limited/ restricted to the following uses:
a) a contractors establishment with accessory storage areas
b) offices
c) beauty salon/barbershop
d) florist shop
e) single family dwelling
f) gift store
g) jeweler / watchmaker business
h) stationary sales
i) arts& crafts & hobby equipment sales/supplies

II. That a ten (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/Manager of Legal Services 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/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # 5.502

By-Law No. _____

File No. **DAZ 264/04**

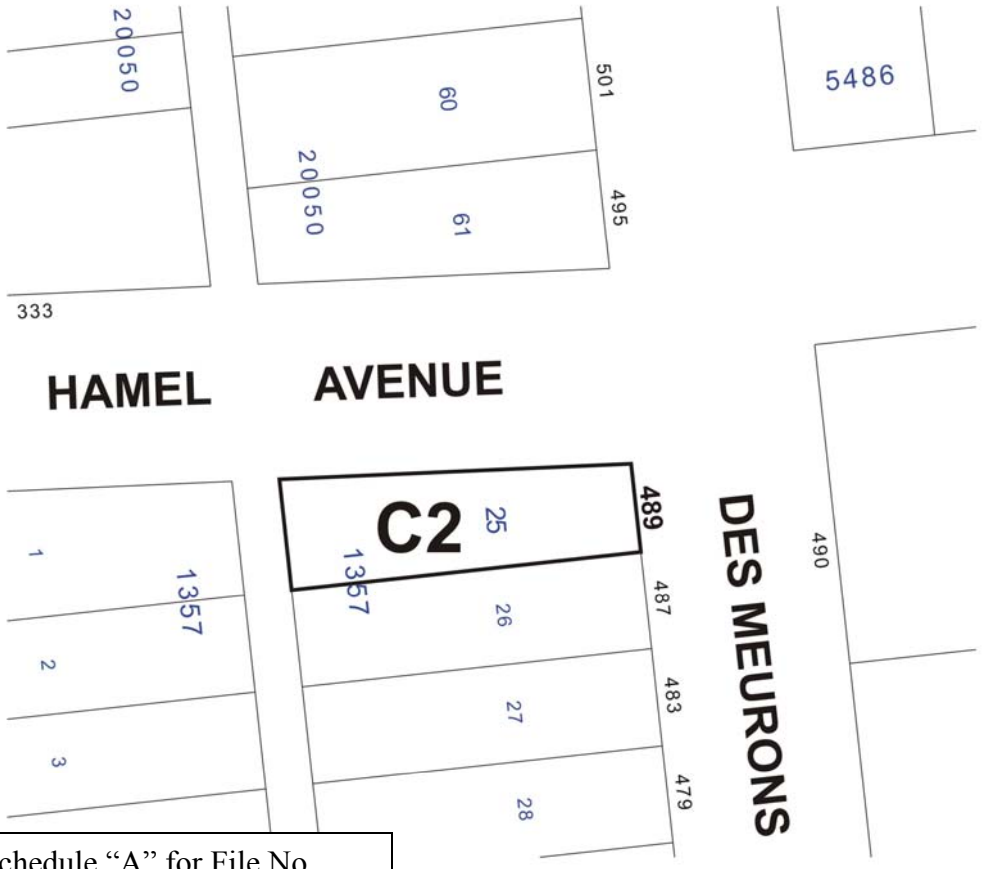
Atlas Sheet No.

N

AA27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 489 Des Meurons Street from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 264/04, Riel Community Committee, dated December 7/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____