Agenda - Council - January 26, 2005

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

Item No. 9 Subdivision and Rezoning - 1612 and 1614 St. Mary's Road
File DASZ 38/2004

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, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 38/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2004 dated November 8, 2004, for registration in the Winnipeg Land Titles Office subject to the following;

    A. That the Developer be required to enter into a Servicing Agreement with the City containing the following conditions:

        i. That the Developer pave thirty-six (36) feet of the existing adjoining lane from Nicollet Avenue (to include the proposed loading area).

        ii. That the Developer re-grade, compact and level all of the rear lane abutting the subject property.

        iii. That the Developer install exterior lighting along the lane for security purposes.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 38/2004 dated November 8, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final site plans outlining the location of the proposed new building, loading zones and parking areas, approaches and exits, building profiles, garbage enclosure design and locations, landscaping and fencing and signage details be submitted to and approved by the Riel Community Committee and the Director of Planning Property and Development prior to the issuance of building permits.

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

B. That all access to and from the site be restricted to St. Mary's Road, excluding access to the loading area.

C. That a maximum of two commercial tenants be permitted in the proposed new building in the main floor area and that the second floor be restricted to a residence, subject to conditional use approval, and/or office space for a single commercial tenant.

D. That no windows are to be located along the west wall of the building.

F. That the basement area be limited to the following uses:
   i. Storage
   ii. Wine Cellar

4. 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 market value of the land and the creation of additional sites (if applicable).

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 City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

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10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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, as amended, 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 with the following amendments, namely:

- Recommendation 3.A.:
  Add the words "design and" in the third line after the word "enclosure"

- Recommendation 3.B.:
  Add the words "excluding access to the loading area" at the end after the words "St. Mary's Road".

- Recommendation 3.C.:
  Add the words "subject to conditional use approval" in the third line after the word "residence"

- Recommendation 3.E.:
  Delete in its entirety and renumber 3.F. to 3.E.,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 30, 2004, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendations 1.A.i and 1.A.ii. be deleted and replaced with the following:

  1.A.i. That the Developer pave thirty-six (36) feet of the existing adjoining lane from Nicollet Avenue (to include the proposed loading area).

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

DECISION MAKING HISTORY (Continued):

1.A.ii. That the Developer re-grade, compact and level all of the rear lane abutting the subject property.

1.A.iii. That the Developer install exterior lighting along the lane for security purposes.

- That Recommendations 3.D to 3.F be added:

3. D. That no windows are to be located along the west wall of the building.

3. E. That garbage enclosures be upgraded beyond City requirements.

3. F. That the basement area be limited to the following uses:

i. Storage
ii. Wine Cellar

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

On November 17, 2004, the Riel Community Committee adjourned the public hearing to a special meeting of the Riel Community Committee held on December 2, 2004, at 6:00 p.m. in the Community Committee Chamber located at 604 St. Mary's Road. Due to a scheduling conflict, said special meeting was rescheduled to November 30, 2004 at 6:00 p.m. in the Community Committee Chamber located at 604 St. Mary's Road

RE: **Subdivision and Rezoning - 1612 and 1614 St. Mary's Road**
File DASZ 38/2004 [c/r DAV 327492/2004D]

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

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

Report date: **December 7, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 30, 2004, the Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 38/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2004 dated November 8, 2004, for registration in the Winnipeg Land Titles Office subject to the following;

    A. That the Developer be required to enter into a Servicing Agreement with the City containing the following conditions:

        i. That the Developer pave thirty-six (36) feet of the existing adjoining lane from Nicollet Avenue (to include the proposed loading area).

        ii. That the Developer re-grade, compact and level all of the rear lane abutting the subject property.

        iii. That the Developer install exterior lighting along the lane for security purposes.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 38/2004 dated November 8, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That final site plans outlining the location of the proposed new building, loading zones and parking areas, approaches and exits, building profiles, garbage enclosure locations, landscaping and fencing and signage details be submitted to and approved by the Riel Community Committee and the Director of Planning Property and Development prior to the issuance of building permits.

B. That all access to and from the site be restricted to St. Mary's Road.

C. That a maximum of two commercial tenants be permitted in the proposed new building in the main floor area and that the second floor be restricted to a residence and/or office space for a single commercial tenant.

D. That no windows are to be located along the west wall of the building.

E. That garbage enclosures be upgraded beyond City requirements.

F. That the basement area be limited to the following uses:

i. Storage;

ii. Wine Cellar.

4. 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 market value of the land and the creation of additional sites (if applicable).

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 City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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 November 8, 2004.

PUBLIC HEARING SUMMARY

File: DASZ 38 /2004 [c/r [c/r DAV 327492/2004D]

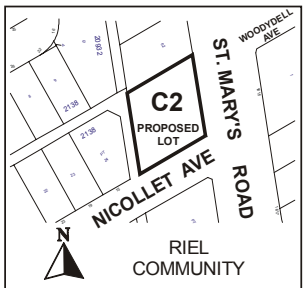
Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Angus

Public Hearing: November 30, 2004
Community Committee Chamber, 604 St. Mary's Road

Adjourned from: November 17, 2004
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Terracon Construction Ltd. (Bill Kerr)

Subject:



APPLICANT: TERRACON CONSTRUCTION LTD.
FILE: DASZ 38/04
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-5" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : TERRACON CONSTRUCTION LTD.
N° DE DOSSIER : DALZ 38/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-5 (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1612 - 1614 St. Mary's Road

Exhibits Filed:

1. Application dated September 27, 2004
2. Notification of Public Hearing dated October 22, 2004
3. Manitoba Status of Titles 1287994, 1662033 and 1923155
4. Surveyor's Building Location Certificates and sketch dated June 18, 2004 (2 pages)
5. Letter of authorization dated September 8, 2004 from Lawrence Walls Malone and Anne Galloway Malone to Terracon Development Ltd.
6. Letter of authorization dated September 9, 2004 from Leasing Logistics to Terracon Development Ltd.
7. Letter of authorization dated September 8, 2004 from Timothy Allan Kwasnica to Terracon Development Ltd.
8. Plans (2 pages)
9. Report from the Manager of Planning and Land Use dated November 8, 2004
10. Inspection Report
11. Photographs submitted by Ken Loney at the Public Hearing held on November 17, 2004
12. Petition in opposition to the application purporting to contain the signatures of four (4) area residents, submitted by Doug Kiz
13. Communication dated November 30, 2004, from Michael Falk in support of the application

REPRESENTATIONS:

In Support:

Pauline Burnett
Michael Falk, Terracon Development Ltd.
Tina Jones, Banville and Jones Wine Co.
Bill Kerr, Terracon Development Ltd.

In Opposition

Ken and Linda Allen
Glenn Baldwin
Jennifer and Gerald Bruce
Lawrence Chubey
Grant and Susan Collins
Joanne and Ron Crowell
Robert and Christine Davidson
Gerald Fathers
Monique Kirouac

Doug Kiz
Jocelyne and Mitch Ledoyen
A. Levacque
Ken and Wendy Loney
Sandra and Winston Mandray
Fe Martillana
Jennifer Mohammed
Brent Paullius
L. K. Penner
Ed and Barbara Plouffe
Irene Rainer
L. Dean Robinson
R. Wagemann
Heather Wiebe

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

November 30, 2004
The applicants, Michael Falk and Tina Jones, appeared in support of the application. Mr. Falk and Ms. Jones provided a summary of the information contained in their submission dated November 30, 2004, filed as Exhibit 13. Ms. Jones stated that, as a result of the meeting with area residents, many of the resident's concerns have been assuaged. Ms. Jones indicated that she was aware area residents opposed access to the site via Nicollet but that she considered said access essential to the establishment of her business at this location. Mr. Falk iterated that he has attempted to find alternate means of accessing the site and the proposed access was the only viable solution. Mr. Falk stated that the applicants would be willing to:

- construct an angled approach onto Nicollet Avenue to discourage traffic;
- place landscaping rocks on the boulevard to deter traffic from turning right onto Nicollet Avenue when exiting the site;
- assist residents in getting signage at the intersection of St. Mary's Road and Nicollet Avenue that would discourage motorists from turning onto Nicollet Avenue during rush hour

Ken Loney and Bob Davidson appeared in opposition to the application on behalf of the residents of Nicollet Avenue. Mr. Loney and Mr. Davidson summarized the concerns of area

residents and stated that opposition to the application was primarily due to the proposed access on Nicollet Avenue. Mr. Loney stated that access to the site via St. Mary's Road could be facilitated by a median cut on St. Mary's Road. Mr. Loney iterated that a condition limiting the zoning to the establishment of a wine store should be incorporated in the recommendation. Mr. Loney thanked the applicants for addressing many of the concerns raised by area residents.

In response to a question from Councillor Steeves, Mr. Loney and Mr. Davidson stated they were not supportive of any access via Nicollet Avenue.

Doug Kiz appeared in opposition to the application and submitted a petition in opposition to the application purporting to contain the signatures of four (4) area residents, filed as Exhibit 12.

Mr. Falk and Tina Jones returned in rebuttal. Mr. Falk stated that the development would not proceed should the applicant be required to widen the lane right-of-way by 2.373 meters. Mr. Falk further stated that he was opposed to limiting the zoning to a single occupancy and Ms. Jones explained that, should her license be revoked or not be renewed upon expiry, she would be unable to do anything else with the building.

Mr. Falk stated that they had pursued many options with respect to access to the site but the only workable solution was outlined in the plans submitted.

November 17, 2004
The applicant, Michael Falk, appeared in support of the application and gave a brief overview of the proposal. Mr. Falk indicated concurrence in recommendations contained in the administrative report from the Manager of Planning and Land Use dated November 8, 2004, with the following exceptions:

- The applicant did not concur with Condition 1.A.i. pertaining to the Developer legally widening the abutting lane right-of-way by 2.373 m and requested that said condition be deleted.
- The applicant did not concur with Condition 1.A.ii. pertaining to the Developer constructing a 6.0 m wide concrete pavement in the widened section of the lane and requested that said condition be amended as the current lane is gravel.
- The applicant did not concur with Condition 3.B. pertaining to all access to and from the site being restricted to St. Mary's Road as this would create irregular traffic flow in the area and create more problems than a bi-directional approach from Nicollet Avenue.

Gerald Fathers appeared in opposition to the application. Mr. Fathers stated that his primary opposition to the application was the proposed access off of Nicollet Avenue as this would:

- further exasperate traffic on Nicollet Avenue;
- create a safety hazard for the many school children who walk down Nicollet Avenue;
- create parking problems on Nicollet Avenue.

Ken Loney appeared in opposition to the application. Mr. Loney was opposed to the application for the following reasons:

- the development will create parking problems;
- the proposed access to the development via Nicollet Avenue will contribute to increased traffic on Nicollet Avenue;
- the development will compromise the safety of area children who must cross the street to get to school;
- the development will result in a decrease in property values for surrounding residences;
- the development will exasperate an already present graffiti problem.

Mr. Loney indicated that the applicant had not attempted to meet with area residents prior to the public hearing. Mr. Loney stated that area residents were not opposed to the development of the site but have many questions, including the following:

- What will be the hours of operation?
- How much traffic will the business generate?
- How many staff with the business employ?
- What type of delivery vehicles will access the site?
- What time of day will deliveries be made?

Mr. Loney requested that Committee adjourn the public hearing with respect to the application to provide area residents with an opportunity to meet with the applicants.

Bob Davidson appeared in opposition to the application. Mr. Davidson reiterated concerns regarding access from Nicollet, traffic, the safety of area children and graffiti. Mr. Davidson also stated that the lane behind the development would have to be widened as it is not wide enough to accommodate two (2) vehicles at the same time.

Doug Kiz appeared in opposition to the application. Mr. Kiz reiterated concerns regarding safety, traffic, the access from Nicollet Avenue and parking on Nicollet Avenue.

Michael Falk returned in rebuttal. Mr. Falk stated that many of the concerns referenced by area residents are pre-existing and would not be exasperated by the development. Mr. Falk provided the following information:

- There will be sufficient parking on site as only approximately four thousand (4,000) square feet of the development will be retail space as the second floor will be used minimally and the basement will be restricted to storage;
- The loading area for the building will be located in the lane, will be indented and will not prevent traffic from using the lane when loading occurs;
- The vehicle delivering product to the building is a five (5) tonne Manitoba Liquor Control Commission truck;
- A maximum of eight (8) staff people will work at the store at any time;
- An average of thirty (30) customers attend the existing store on a daily basis;

- Classes accommodate a maximum of ten (10) people while tastings accommodate a maximum of twenty (20) people.

Mr. Falk stated that the access from Nicollet Avenue was essential to the site as limiting access to the site via St. Mary's Road would cause traffic problems and force vehicles to u-turn. Mr. Falk further stated that the applicant would be willing to resurface, with heavy duty asphalt, the lane adjacent to the proposed loading zone.

Councillor Steeves stated that he would be adjourning the matter to provide an opportunity for the applicant to meet with area residents. In response to a question from Councillor Angus, Mr. Falk indicated that there were time constraints for the development of this site. Councillor Angus stated that he would not be able to attend the meeting of the Riel Community Committee scheduled for December 14, 2004 and that he would be willing to adjourn the matter to a special meeting of the Riel Community Committee to be held on December 2, 2004.

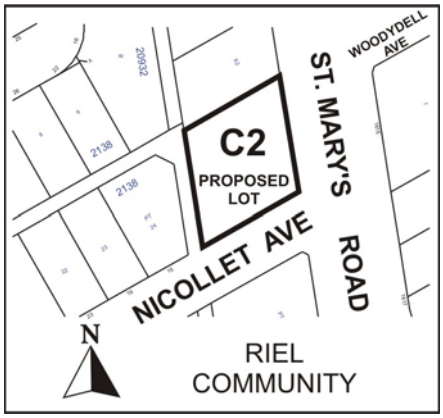
Exhibit “9” referred to in File DASZ 38/2004 [c/r DAV 327492/2004D]

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 8/04
File: DASZ 38 /04
Related Files: DAV 04-327492D
Subject: To rezone the subject land from an “ R1-5” Residential category to a “ C2” Commercial category to allow for commercial development.

Location: 1612/1614 St. Mary’s Road
Legal Description: SP Lot 59 Plan 23572 WLTO in RL 55 to 57 St. Vital Parish



Applicant: Terracon Construction Ltd.
Owner: L. & A. Malone, T. Kwasnica, Leasing Logistics

Recommendation: Approve with Conditions.

Site Description

The overall site area comprises a total of approximately 15,000 sq. feet. Two existing residential buildings currently reside on the site on three lots. The three lots are to consolidated into a single lot; the buildings are to be demolished and a new commercial building is to be constructed on the west periphery of the property. Adjoining properties to the north and south are currently zoned C2 Commercial. To the south is a 7-11 (with no access to Nicollet) and to the immediate north is a commercial mall with direct access to St. Mary's Rd.Properties to the east are are similarly occupied with businesses and zoned C2. To the west is an existing residential neighbourhood zoned R1-5 Single Family.

Background

The subject site has always been a residential property, one of the few remaining single family parcels along this section of St. Mary's Rd.

Description of the Proposed Development

The applicant is proposing to replace the existing structures with a commercial structure on the west half of the subject site.The primary access , as proposed, would be off St. Mary's Rd. with a secondary approach and exit onto Nicollet Ave. Twenty four (24) surface parking stalls are to be established along the St. Mary's frontage. A loading area and garbage facility are to be sited at the rear of the building at the s.e. corner of the lot on the existing lane. The 4680 sq. ft. main floor area will have Banville and Jones Wine Business as its primary tenant with future provision for at least 1-2 other smaller tenants. A second floor will house 3830 sq. feet of office space and a ancillary residence of 850 sq. feet.

Analysis

The Planning , Policy and Development Department supports the proposed lot consolidation and rezoning to a C2 Commercial zoning category. It is our position that the highest and best use of the land in question is commercial provided that there is not an over intensification of the site and the proposed uses do not directly or indirectly create unwanted problems/issues for neighbouring residents or other adjacent business owners. The primary tenant on the site is to be a wine store, Banville and Jones, which we understand is relocating from its current location on Meadowood. The wine store will occupy approximately 3830 sq. feet of space on the main floor. There is provision for at least one more tenant on the main floor(800 sq. feet). The second floor , of equal size, is

to be set aside for office space and an ancillary residence. Thirty seven (37) parking stalls are required under the by-law for the proposed level of commercial space but only twenty four are being provided, necessitating a variance. A variance is also required because no rear yard for the bulk of the building is being provided. There is just enough room on site for a 47' wide building, two rows of parking and a drive through aisle. While the Administration supports commercial development on the subject corner, it is imperative that no new traffic or parking problems be created for either the property owners on Nicollet Ave. or the adjacent business owners to the north. The Public Works Dept . has reviewed the proposal and is strongly of the view, that 24 parking spaces is simply not adequate given the proposed intensity of use . They suggest that the current proposal has to be modified in order to avoid future on street parking problems with adjoining property owners. This Branch concurs, to some extent with the Transportation Divisions concerns. We are therefore recommending that the main floor be restricted to two commercial tenants maximum and the second floor be limited to only one commercial tenant (other than the suggested residential tenant) and that the second floor commercial space be limited specifically to office type uses. The neighbouring residents, will, demand a closure of the proposed approach off of Nicollet Ave. That is consistant with a previous neighbourhood position taken when the existing 7-11 was established and approval for that store was given subject to there being no permitted vehicle approaches onto Nicollet Ave.

With that in mind the applicants should make several design changes, such that there is either a single larger point of access and egress off of St. Mary's Road or two separate approaches, one a right turn in , the other a right turn out. The aforementioned changes will go far towards addressing many of the adjoining property owners concerns. It should also be noted that because the existing does not meet the required City standard for lanes being utilized for commercial traffic (i.e. the loading area), a portion of the lane has to widened and upgraded as indicated at the applicants expense. This is a customary condition of approval in such cases issued by the Public Works Dept. If there was no requirement for a loading facility off the lane, there would be no need for the noted changes to occur.

Recommendation

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

1) The proposed development is consistant with and in character with existing land use development along St. Mary's Rd.to the north and south.
2) The proposed primary use(wine store) is not out of scale with the site and with suggested changes to the site plan (specifically approaches) there should be little if any adverse effect on the adjoining neighbourhood.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 38/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with

Schedule "A" for File No. DASZ 38/04, attached hereto and dated Nov.8/04, for registration in the Winnipeg Land Titles Office subject to the following;

A. That the Developer be required to enter into a Servicing Agreement with the City containing the following conditions:
    1. That the Developer legally widen the abutting lane right-of –way by 2.373 m., and
    2. That the Developer construct a 6.0 m wide concrete pavement in the widened section of the lane.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 38/04, attached hereto and dated Nov.8/04, to an "C2" Commercial District , subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final site plans outlining the location of the proposed new building,loading zones and parking areas, approaches and exits, building profiles, garbage enclosure locations, landscaping and fencing and signage details be submitted to and approved by the Riel Community Committee and the Director of Planning Property and Development prior to the issuance of building permits.

B. That all access to and from the site be restricted to St. Mary's Road.

C. That a maximum of two commercial tenants be permitted in the proposed new building in the main floor area and that the second floor be restricted to a residence and/or office space for a single commercial tenant.

IV. That a ten (10) percent 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 market value of the land and the creation of additional sites, (if applicable).

V. 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.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report Prepared by: Kevin Lalor
PPD File # 5.519

By-Law No. _____

File No. **DASZ 38/04**

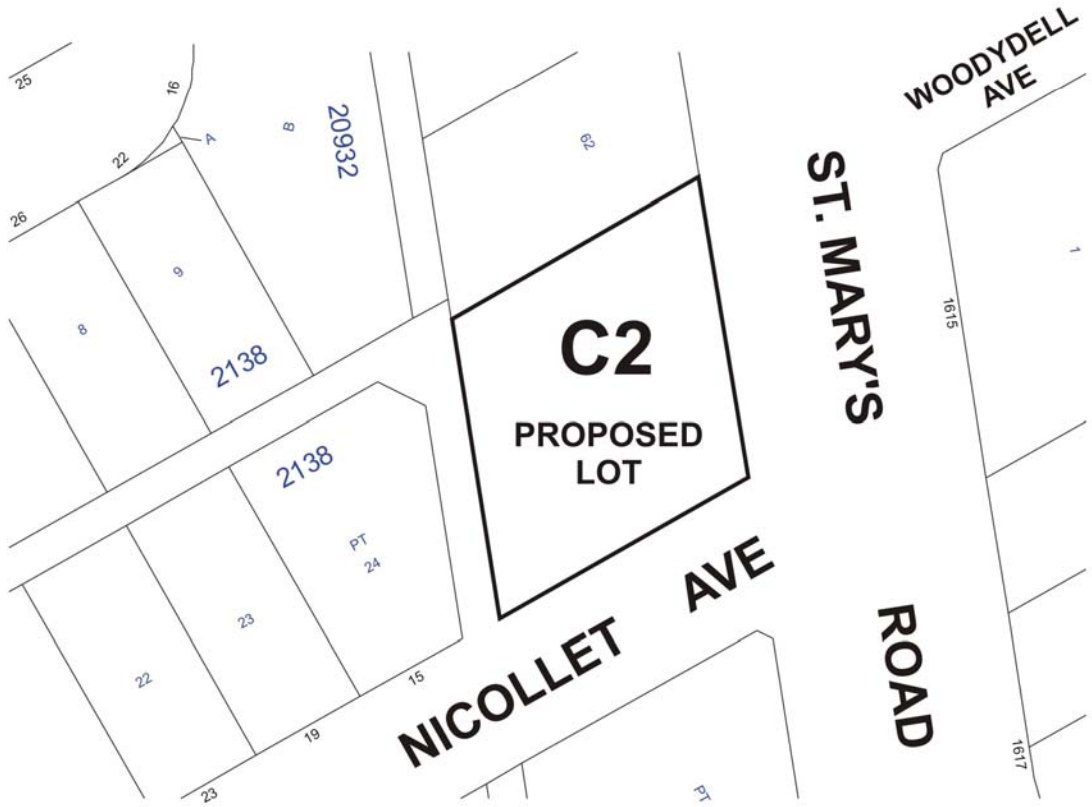
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RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1612 and 1614 St. Mary's Road from an "R1-5" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File . DASZ 38/04, Riel Community Committee, dated November 8/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____