Minutes - Executive Policy Committee – February 16, 2005

Minute No. 191
Report - Standing Policy Committee on Property and Development – February 1, 2005

Item No. 13 Rezoning - 2146 Main Street
File DAZ 272/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 shown on Schedule "A" for File DAZ 272/2004 dated January 5, 2005, to a "C1.5" 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 complying parking be provided onsite or through an agreement with an adjacent property owner. Said agreement shall be submitted prior to the issuance of a building permit to the satisfaction of the Director of Planning, Property, and Development and maintained thereafter to the satisfaction of the Director of Planning, Property, and Development.

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.

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.

Report - Standing Policy Committee on Property and Development - February 1, 2005

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.

Minutes - Executive Policy Committee – February 16, 2005

Report - Standing Policy Committee on Property and Development – February 1, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2005, 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 January 11, 2005, 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 - 2146 Main Street**
File DAZ 272/2004 [c/r DCU 337949/2004D and DAV 337953/2004D]

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

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

Report date: **January 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2005, 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 shown on Schedule "A", for File DAZ 272/04 dated January 5, 2005, to a "C1.5" 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 complying parking be provided onsite or through an agreement with an adjacent property owner. Said agreement shall be submitted prior to the issuance of a building permit to the satisfaction of the Director of Planning, Property, and Development and maintained thereafter to the satisfaction of the Director of Planning, Property, and Development.

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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 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.

PUBLIC HEARING SUMMARY

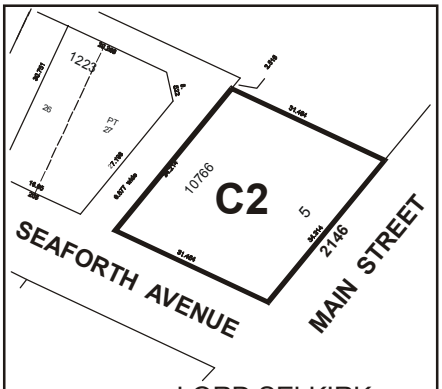
File: DAZ 272/2004
[c/r DCU 337949/2004D and DAV 337953/2004D]

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

Public Hearing: January 11, 2005
Council Chamber, Council Building
510 Main Street

Applicant: Walter Klassen and Harry Froese

Subject:



Premises Affected: 2146 Main Street

Exhibits Filed:
1. Application dated December 9, 2004
2. Notification of Public Hearing dated December 13, 2004
3. Manitoba Status of Title 1180068
4. Surveyor's Building Location Certificate and sketch

5. Letter of authorization dated December 1, 2004, from J. and G. Watters to Walter Klassen and Harry Froese
6. Site, Floor and Elevation Plans (3 pages)
7. Report from the Manager of Planning and Land Use dated January 5, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Harold Schulz, on behalf of the applicants
Harry Froese
Walter Klassen

In Opposition:

Nil

For Information:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Harold Schulz, appeared on behalf of the applicant, in support of the application. Mr. Schulz stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated January 5, 2005 with the exception of the following:

1. The recommendation for a "C1.5" Commercial designation for the property. In this connection, Mr. Schulz stated the "C1.5" zoning category is more restrictive than the "C2" category applied for.

2. The recommendation for the 10% dedication. In this connection, Mr. Schulz questioned whether the calculation would be based only on the increased value or the original value of the land. In response thereto, the Land Development Administrator confirmed that it would be based only on the increased value of the land once the zoning had been approved.

Harry Froese, also appearing in support of the application, stated concern with respect to the requirement to provide complying parking onsite or through a shared parking agreement with adjacent property owner(s), particularly if the adjacent property owner decided to no longer allow parking on its property. In this connection, Councillor Lazarenko stated he agreed with the Administration and the need for the applicant to provide complying parking which, if not met, would result in increased traffic and congestion in the adjacent residential area given that there is no on-street parking available on Main Street.

Exhibit "7" referred to in File DAZ 272/2004 [c/r DCU 337949/2004D and DAV 337953/2004D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk West Kildonan Community Committee

Date: **January 5, 2005**
File: **DAZ 272/04**
Related Files: **DAV 04-337953D, DCU 04-337949D**
Subject: **Application to rezone land from a "C1" Commercial District to a "C2" Commercial District for the future establishment of a funeral chapel and mortuary by conditional use.**

Location: **2146 Main Street**



Applicant: **Walter Klassen and Harry Froese**
Owner: **Gordon Patrick Watters and Martha Jane Watters**

Recommendation: Approval, modified to C1.5 and with conditions

SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning
The subject property is zoned "C1" Commercial. The site is currently occupied by a fitness center and is approximately 11,500 square feet (.26 acres)

Surrounding Land Use and Zoning
North: A City owned maintenance facility, zoned "M1" Manufacturing District.
South: Apartments zoned "RM-3" Multi-Family Residential District.
East: Kildonan Park Golf Course zoned "PR2" Parks and Recreation District.
West: Single-family residences zoned "R2" Residential District.

DEVELOPMENT DESCRIPTION:

The applicant has plans to acquire the existing fitness establishment and convert the building for use as a funeral chapel and mortuary. The building, which is 4,080 square feet, would contain two ± 450 square foot viewing areas as well as a morgue, reception area, storage space, and an office.

Under the current "C1"zoning classification, funeral chapels and mortuaries are not permitted. In both the "C1.5" and "C2" Commercial District, funeral chapels and mortuaries are permitted as a conditional use.

ADMINISTRATIVE ANALYSIS:
As previously mentioned, the applicant is proposing to establish a funeral chapel and mortuary within an existing 4,050 square foot building. The applicant is proposing severteen (17) parking spaces, which would be located behind and on the sides of the building with access off the public lane.

Use
There is currently a wide assortment of uses and zoning classifications along this stretch of Main Street. The character and form of the uses can be generally described as auto-urban, which involve heavy use of vehicles in their operation and/or depend almost wholly upon the use of the automobile for access. In this area, the majority of required parking spaces must be contained on site because on-street parking is not available along Main Street.

Zoning
A funeral chapel/mortuary is classified as a conditional use in the "C1-5" and "C2" Commercial, primarily because they have the potential to bring a large amount of traffic into an area. Likewise, many of these trips come from throughout the city, which requires more intensive commercial sites which have less of a local or neighbourhood orientation.

While the applicant has applied for rezoning to "C2" Commercial, given that the site is adjacent to residential on two sides and that there is limited separation distance between uses, the local

context would seem to be more in character with "C1.5" Commercial, which under By-Law 6400/94, Section 700 is described as "intended to regulate commercial development with less of a neighbourhood orientation, typically found along commercial corridors within existing older neighbourhoods."

Plan Winnipeg
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Parking
Under the City of Winnipeg By-Law 6400/94, the applicant is required to provide forty-one (41) parking spaces, or 1 space for every 100 square feet of gross floor area. The applicant is proposing to provide only seventeen (17) parking spaces - a deficiency of twenty-five (25) spaces.

A detailed analysis of parking was conducted by the Planning and Land Use Division and is included in the corresponding DAV report. Based upon this analysis, the Division maintains that the proposed amount of parking is not adequate to support the use and will result in increased traffic and congestion in the adjacent residential area. Specifically, it is anticipated that parking will spill over onto the adjacent residential street (Seaforth Avenue) on a regular basis.

Therefore, the Planning and Land Use Division has concluded that the required amount off street parking must be provided. This could be provided through a shared parking agreement to utilize the adjacent City owned lot, which has been done informally in the past. The applicant has indicated his intent to speak with the City about formalizing an agreement to use this lot. At the time of submission of this report, there has been no word on the status of those discussions.

It should be noted that the current owner has had preliminary discussions with the owner of the adjacent residence to the north about the acquisition and demolition of that property for additional parking. The applicant has indicated that he is looking at this as a long term option. With that said, this property would yield only 15 additional stalls, which would still be short of the required amount and would still result in the need for a shared parking agreement

Access
The subject parcel is located along Main Street, which is a heavily traveled corridor with good access to many areas of the city. It is adjacent to many high intensity uses, such as a vehicle maintenance facility, a motor hotel, and a truck sales dealership.

While traffic into the site may increase, this traffic will be almost exclusively accessing the site by way of Main Street. Furthermore, while there may be expanded activity in the evening, compared to the existing fitness club use, this activity will be concentrated on site and primarily within the building.

RECOMMENDATION:
The Planning and Land Use Division is recommending approval for the following reasons:

- The proposed rezoning is in compliance with Plan Winnipeg and its policies, provided that the required amount of off-street parking is provided either on site or through a shared parking agreement with adjacent property owner(s).

- The proposed rezoning is compatible with the surrounding properties, provided that the required amount of off-street parking is provided either on site or through a shared parking agreement with adjacent property owner(s).

- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area, provided that the required amount of off-street parking is provided either on site or through a shared parking agreement with adjacent property owner(s).

Recommended Conditions of Approval

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 272/04, attached hereto and dated, January 5, 2005, to a "C1.5" 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 complying parking be provided onsite or through an agreement with an adjacent property owner. Said agreement shall be submitted prior to the issuance of a building permit to the satisfaction of the Director of Planning, Property, and Development and maintained thereafter to the satisfaction of the Director of Planning, Property, and Development.

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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.

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

Report Prepared by: Michael Robinson, AICP, Planner
PPD File # 3.318

Schedule "A"

By-Law No. _____

File No. **DAZ 272/04**

Atlas Sheet No. **T27**

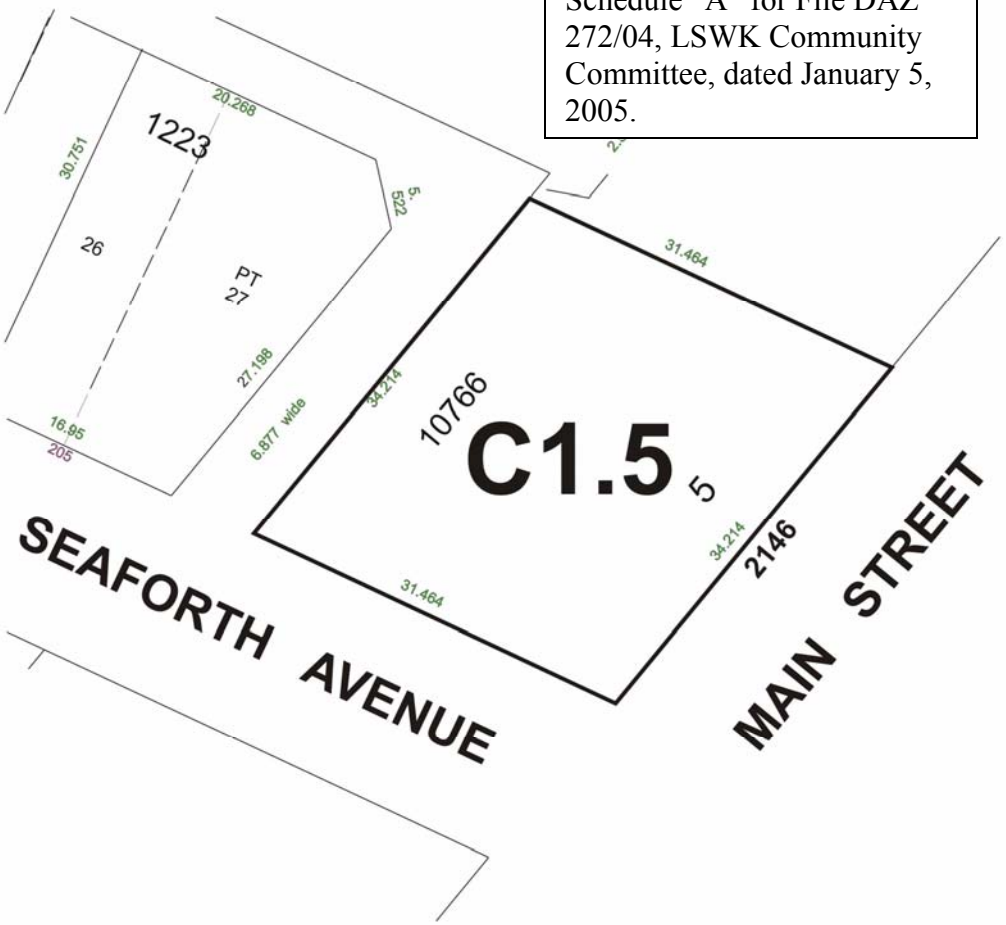
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2146 Main Street from a "C1" COMMERCIAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File DAZ 272/04, LSWK Community Committee, dated January 5, 2005.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

6178



Figure 1: Aerial Photograph (Flown in 2002)

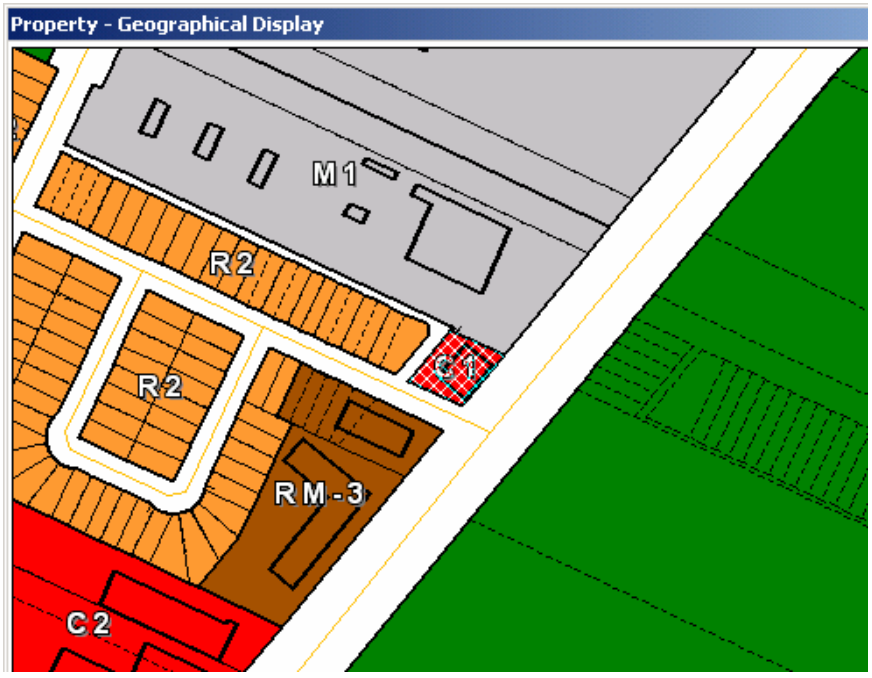


Figure 2: Zoning Map