Agenda - Council - February 23, 2005

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

Item No. 9 Zoning Agreement Amendment – 677-679 St. Mary's Road
File ZAA 25/2004 (c/r DAZ 278/80)

STANDING COMMITTEE RECOMMENDATION:

On February 16, 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 Zoning Agreement (Caveat No. 81-10850) under File DAZ 278/80 dated February 18, 1981, (By-law No. 2910/81) be amended by adding 'office uses' to the list of permitted uses in Clause 2 of the agreement.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 278/81(By-law No. 2910/81) dated February 18, 1981, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 - February 1, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 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 February 1, 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 January 17, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 677 / 679 St. Mary's Road**
File ZAA 25/2004

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

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

Report date: **January 19, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 81-10850 under File DAZ 278/80 dated February 18, 1981 (By-law No. 2910/81), be amended by adding 'office uses' to the list of permitted uses in Clause 2 of the agreement.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 278/81(By-law No. 2910/81) dated February 18, 1981, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 January 10, 2005.

PUBLIC HEARING SUMMARY

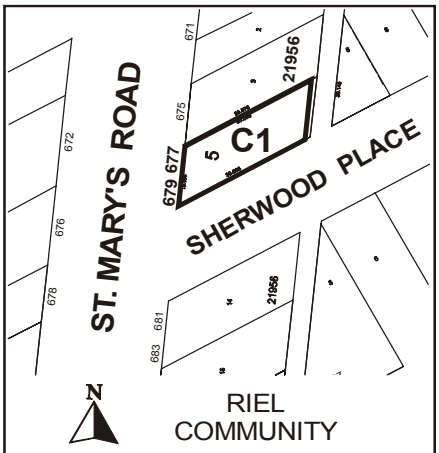
File: ZAA 25/2004

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: January 17, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Marcel and Monica Gratton

Subject:



RIEL
COMMUNITY

APPLICANT: M. & M. GRATTON
FILE: ZAA 25/04
PROPOSAL: To amend the Zoning Agreement affecting the land shown outlined above to allow for an expanded list of uses. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : M. et M. GRATTON
RÉFÉRENCE : MCZ 25/04
PROJET : Modification de la convention de zonage touchant le bien-fonds indiqué ci-dessus afin de permettre l'expansion de la liste des utilisations. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 677 / 679 St. Mary's Road

Exhibits Filed:

1. Application dated December 9, 2004
2. Notification of Public Hearing dated December 10, 2004
3. Manitoba Status of Title 2009419
4. Surveyor's Building Location Certificate and sketch dated June 28, 2002
5. Letter of authorization dated December 8, 2004 from Alicja Jackiw to Marcel and Monica Gratton
6. Zoning Agreement DAZ 278/80
7. Plan
8. Report from the Manager of Planning and Land Use dated January 10, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Leo R. Cloutier
Marcel and Monica Gratton

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

Leo R. Cloutier along with Marcel and Monica Gratton appeared in support of the application and gave a brief overview of the proposal.

Exhibit "8" referred to in File ZAA 25/2004

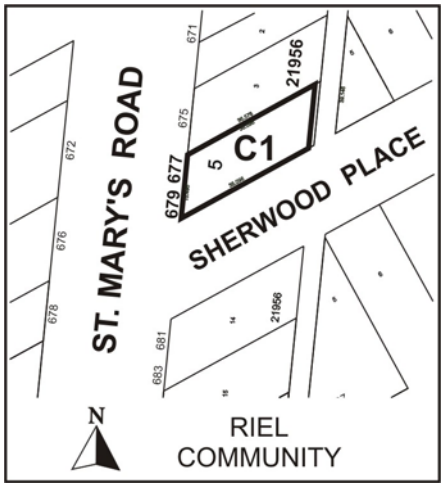
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: January 10/05
File: ZAA 25 /05
Related Files: N/A
Subject: To amend clause 2 of the zoning agreement for the subject property to add office uses to the permitted use list.

Location: 677/679 St. Mary's Road
Legal Description: SP Lot 5 Plan 21956 WLTO in RL 109, 111, AND 112 Parish of St. Boniface



Applicant: Marcel & Monica Gratton
Owner: Alicja Jackiw

Recommendation: Approved with conditions

Site Description

The 5740 sq. ft. lot is located at the N.E. corner of St. Mary's Road and Sherwood St. The site is and has been occupied for many years with a duplex which was converted in 1981 into a combination residence/ beauty salon. The land at that time was rezoned from a residential single family designation to a "C1" Commercial designation with restrictions on use. To the south across Sherwood Street is a business zoned "C2" Commercial. Adjacent to the north is a dwelling and several multiple family complexes both zoned RM-2 Multiple Family. To the east across the lane are single-family homes zoned "R1-5" and similarly to the west across St. Mary's Road are homes zoned "R1-5" single family. Access to a parking area which would hold approximately half a dozen cars is off the rear lane.

Background

As previously outlined, the building was used for purely residential purposes up until 1981, at which time a part of the structure was converted into use for a beauty salon. The lane was rezoned to a restrictive commercial "C1" category at that time and has been used as a combination residence/ beauty salon ever since.

Description of the Proposed Development

The prospective new owners, Terracor Business Solutions, are in the process of purchasing the property and utilizing a portion of the building for office use. The business which is a small Manitoba based consulting firm established in 1991, will provide process analysis and accounting solutions to their client base in Western Canada. Due the nature of their work, there many of the staff are traveling during the week and there are therefore minimal staff on premises during normal business hours. Normal business hours are, by the way. 8:30 AM –5:00 PM Monday to Friday. Equipment on the property will be limited to computers and network equipment with access to high speed internet services. There will be no anticipated changes to the exterior of the building or changes to existing landscaping or fencing. The existing parking area is paved. It should be noted that it is not clear at this time whether the residential component is to be retained.

Analysis

It is the opinion of the Planning Property and Development Division that the addition of office use to the current restricted list of uses will not alter or increase significantly the intensity of use on the site. Nor should the proposed change have any adverse effect on neighbouring property owners. Traffic to the site will be minimal and may be less than that which was experienced under the previous use.

Recommendation

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

- The proposed new use will generate less traffic and activity then previously allowable uses.
- The proposed use is only operational during regular business hours Monday to Friday.

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 81-10850 under file no. DAZ 278/80, dated, February 18/81 (By-Law # 2910/81), be amended *by adding office uses to the list of permitted use in Clause 2 of the agreement.*

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 278/81(By-Law # 2910/81), dated, February 18/81 as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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 # 5.516