Agenda - Council - February 23, 2005

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

Item No. 11 Rezoning - 1721 Main Street
File DAZ 265/2004

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 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 265/2004 dated December 29, 2004, to a "C2" Commercial District.

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.

5. 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 Lord Selkirk-West Kildonan 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 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 - 1721 Main Street**
File DAZ 265/2004 [c/r DCU 334202/2004D and DAV 334186/2004D]

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 265/04 dated December 29, 2004, to a "C2" Commercial District.

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.

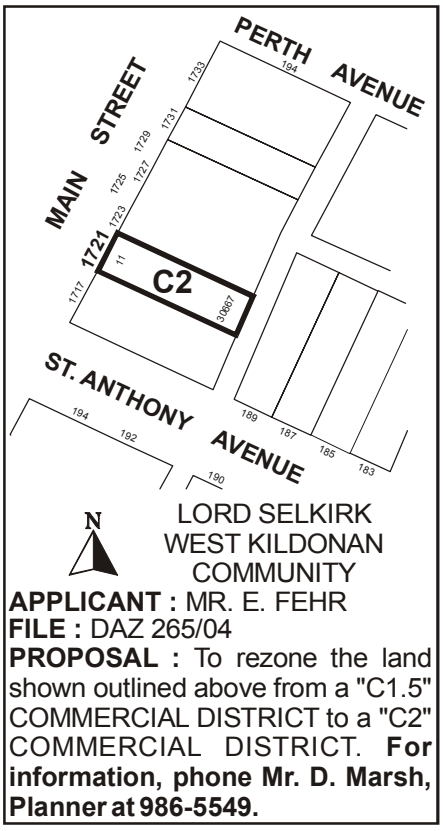
4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 29, 2004.

PUBLIC HEARING SUMMARY

File:	DAZ 265/2004 [c/r DCU 334202/2004D and DAV 334186/2004D]
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:	Ed Fehr o/a Families in Need Thrift Store
Subject:	
Premises Affected:	1721 Main Street

Exhibits Filed:

1. Application dated December 2, 2004
2. Notification of Public Hearing dated December 8, 2004
3. Manitoba Status of Title 1346812
4. Letter of authorization dated October 12, 2004, from K.R.E.W. Corporation to Ed Fehr and Lily Fehr, o/a Families In Need Thrift Store
5. Floor Plan
6. Report from the Manager of Planning and Land Use dated December 29, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Ed Fehr
Lily Fehr

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

Ed Fehr, the applicant, operating as Families in Need Thrift Store, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated December 29, 2004.

Exhibit "6" referred to in File DAZ 265/2004 [c/r DCU 334202/2004D and DAV 334186/2004D]

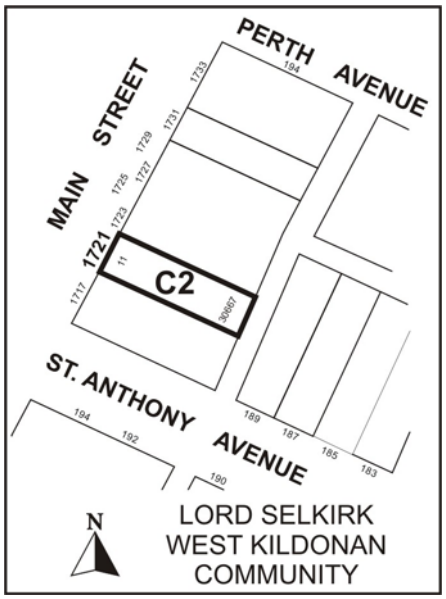
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: December 29th, 2004
File: DAZ 265/04
Related Files: DAV 04-334186D; DCU 04-334202D
Subject: Amend By-Law No. 6400/94 by rezoning the land shown below from a "C1.5" Commercial District to a "C2" Commercial District.

Location: 1721 Main Street
Legal Description: None provided.



Applicant: Ed Fehr
Owner: K.R.E.W. Corporation

6148

Recommendation: Approval with Conditions.

Report Summary:

- Rezoning to permit the maintenance and expansion of a second hand store.

Site Description

Existing Land Use and Zoning:

The site in question is zoned "C1.5" Commercial, and is currently occupied by a two storey commercial building. The site in question is approximately 3,000 square feet (0.06 acres) total in size.

Surrounding Land Use and Zoning:

North: Commercial buildings (C1.5), then Perth Ave
South: Commercial building (C1.5), then St. Anthony Ave
East: A public lane, then detached residential buildings (R1-4)
West: Main St, then multiple family buildings (RM-3)



Aerial of Subject Site and Surrounding Properties

Background

A use variance for a second hand store was granted to the applicant for the subject site on January 7th, 2000 (see file DAV953/99C). The variance was granted for the life of the building,

which can no longer be done under the City of Winnipeg Charter, and a condition was placed prohibiting the operation of a pawnshop.

Description of the Proposed Development

The applicant wishes to rezone the existing commercial building from its current zoning of "C1.5" Commercial to "C2" Commercial to permit the maintenance and expansion of an existing second hand store. Second hand stores are not permitted under a "C1.5" Commercial district, unless as in this case a use variance has been granted, and is listed as a conditional use in a "C2" Commercial district. The applicant has also filed a conditional use application to maintain and expand the second hand store, and a use variance in conjunction with the rezoning (see related files DCU 04-334202D & DAV 04-334186D).

Analysis

The Planning & Land Use Division has no objections to the proposed rezoning. The rezoning will in essence bring the existing commercial building and use into a more appropriate commercial zoning. The second hand store use has been in existence for some time, and is compatible with the surrounding land uses.

Plan Winnipeg Compliance:

The subject parcel fall with 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.

Recommendation

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

- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed rezoning will bring the existing commercial building and use into a more appropriate zoning district.

<u>Recommended Conditions of Approval</u>

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 265/04, attached hereto and dated December 29th, 2004, to a "C2" Commercial District.

2. 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.

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.

5. 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: David Marsh AICP, Planner
PPD File # 300 (.314)

Schedule "A"

By-Law No. _____

File No. **DAZ 265/04**

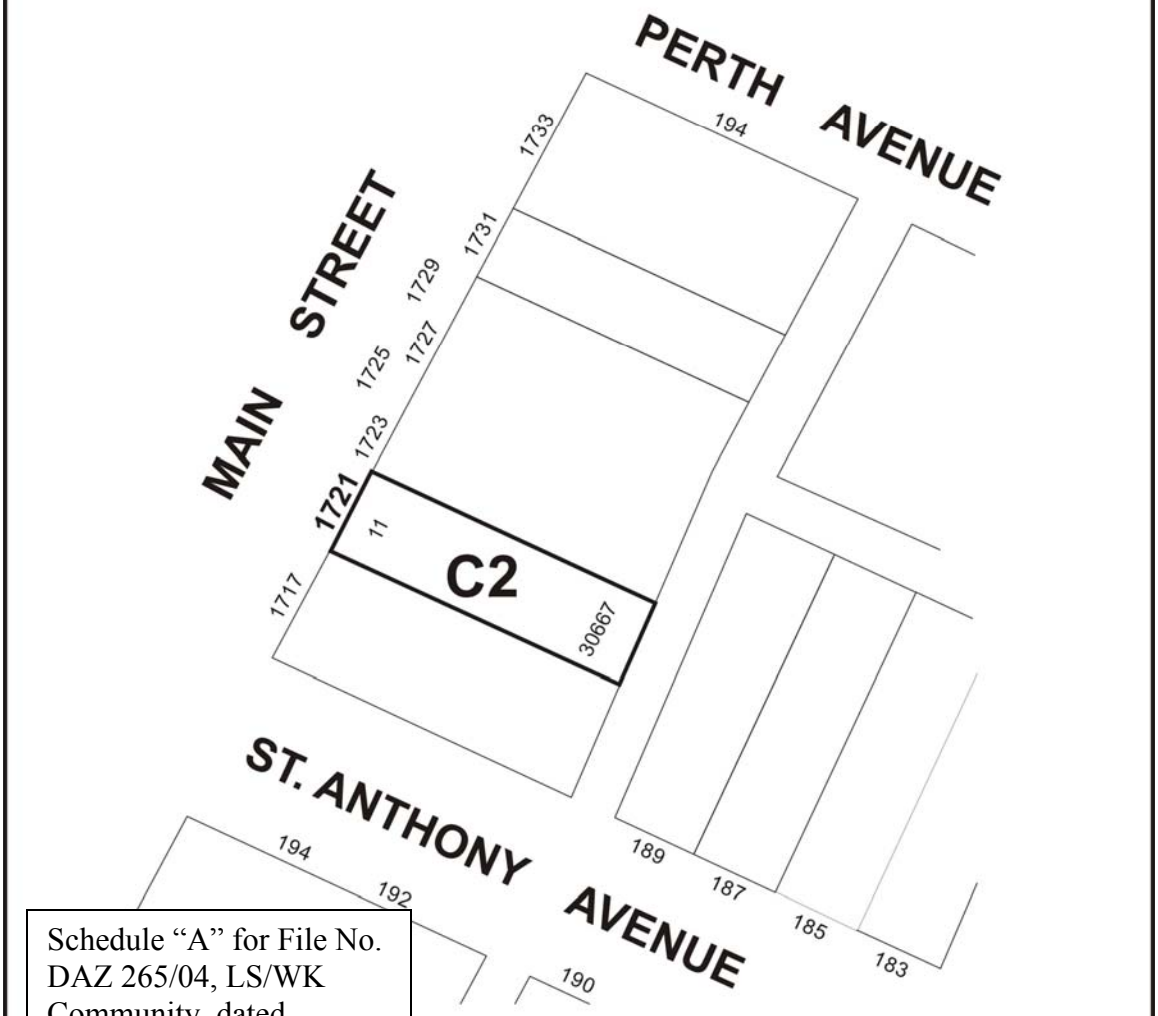
Atlas Sheet No. **V26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1721 Main Street from a "C1.5" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 265/04, LS/WK Community, dated December 29th, 2004

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____