Report of the Standing Policy Committee on Property and Development dated June 27, 2002

Proposed Rezoning - land located at 248 avenue de la Cathédrale
File DAZ 210/2002
[c/r DAV 384/2002D]

8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Aladdin's Pizza (Oril Tetreault), 248 avenue de la Cathedrale, Winnipeg, to amend the Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands from an "R2-T" Transitional District to a "C1-5" Commercial District to allow for the maintenance of an existing eat-in /take out pizza restaurant.

The applicant proposes to rezone his property to permit the ongoing use of his restaurant, which has been operating for a little more than five years by variance. That variance has now expired and cannot be renewed.

On June 11, 2002, the Riel Community Committee held a public hearing to consider the subject proposed rezoning application. Two persons registered in support of the application and no one registered in opposition thereto.

The Riel Community Committee concurred in part, in the recommendation contained in the report dated June 3, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed rezoning for the following reason:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On June 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Zoning Change Report dated June 19, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land, as shown on Schedule "A" for File DAZ 210/2002 dated June 3, 2002, to a " C1-5" Commercial District, subject to the following:

Report of the Standing Policy Committee on Property and Development dated June 27, 2002

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That use of the site be restricted to an eat-in / take out restaurant and / or residential dwelling.

2. That the hours of operation shall be limited to the hours as follows:
Monday - Thursday: 8:00 a.m. to midnight;
Friday and Saturday: 8:00 a.m. to 2:00 a.m.; and
Sunday: 11:00 a.m. to 9: 00 p.m.

3. That the owner/resident of the dwelling attached to the restaurant be the operator of the restaurant.

II. That the ten percent (10%) dedication required to 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, be waived in this instance.

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 Council extends that time.

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 as a first charge 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 Act.

Attachment "A" referred to in Clause 8 of the Report of the Standing Policy Committee on Property and Development dated June 27, 2002

By-Law No. .....

.....

File No. **DASZ 13/02**

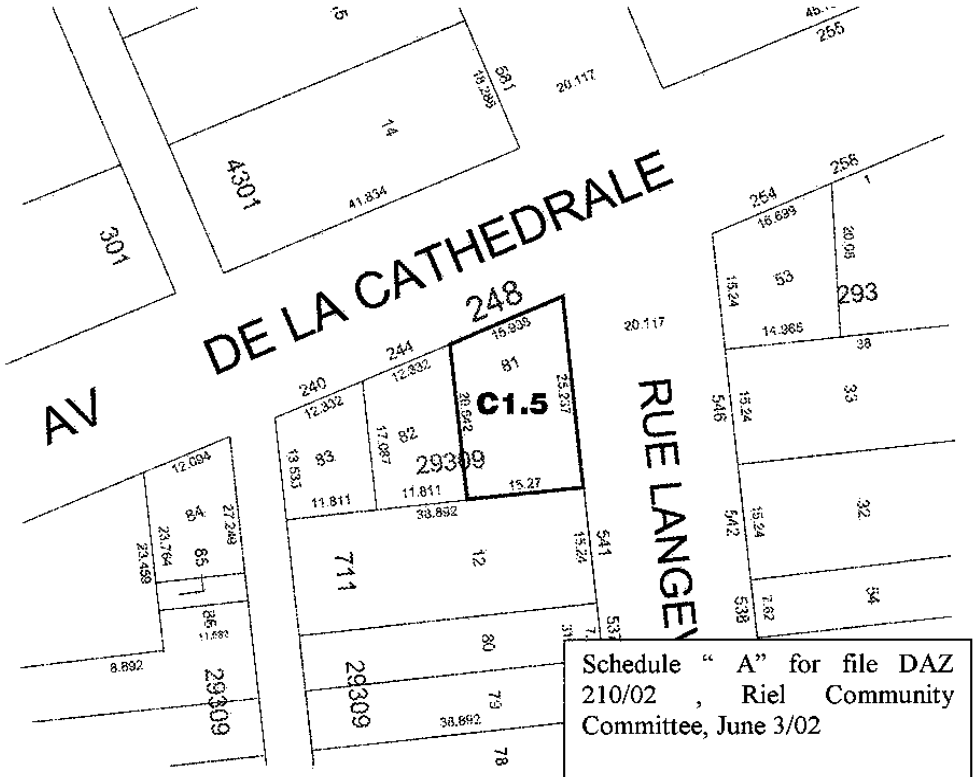
Explanation

To rezone the land shown outlined below from an "R2-T" TRANSITIONAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AA26
RIEL
COMMUNITY



Schedule " A" for file DAZ 210/02 , Riel Community Committee, June 3/02

THIRD READING : ..... EFFECTIVE DATE : .....

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. .....