Minutes - Executive Policy Committee – March 16, 2005

Minute No. 238
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 10 Subdivision and Rezoning - 525-533 St. Anne's Road
File DASZ 51/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 plan of subdivision proposed under File DASZ 51/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 51/2004 dated February 15, 2005, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 51/2004 dated February 15, 2005, to a "C2" Commercial District.

3. That the landowner shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 5.0 m (16.40 ft) widening to the St. Anne's Road right-of-way for the full length of the subject property abutting St. Anne's Road, all as generally illustrated on sketch plan PR05-03 dated February 2, 2005.

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.

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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

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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 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 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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 7, 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 February 22, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 529 - 533 St. Anne's Road**
File DASZ 51/2004 [c/r DAV 340392/2004D]

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

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

Report date: **February 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 51/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 51/2004 dated February 15, 2005, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 51/2004 dated February 15, 2005, to a "C2" Commercial District.

3. That the landowner shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 5.0 m (16.40 ft) widening to the St. Anne's Road right-of-way for the full length of the subject property abutting St. Anne's Road all as generally illustrated on sketch plan PR05-03, dated February 2, 2005.

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.

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 registration with the plan of subdivision in the Winnipeg Land Titles Office.

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 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. 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. 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.

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 February 15, 2005.

PUBLIC HEARING SUMMARY

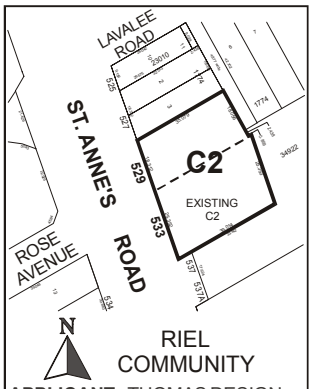
File: DASZ 51/2004 [c/r DAV 340392/2004D]

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

Public Hearing: February 22, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Thomas Design Builders Ltd. (Don Vallance)

Subject:



APPLICANT: THOMAS DESIGN BUILDERS LTD.
FILE: DASZ 51/04
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 "R1-20" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**
DEMANDEUR : THOMAS DESIGN BUILDERS LTD.
N° DE RÉFÉRENCE : DALZ 51/04
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 R1-20 (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. M. Robinson, urbaniste, au 986-3213.**

Premises Affected: 529 - 533 St. Anne's Road

Exhibits Filed:

1. Application dated January 13, 2005
2. Notification of Public Hearing dated January 24, 2005
3. Manitoba Status of Titles 1742450, 1989375
4. Surveyor's Building Location Certificate and sketch dated December 10, 2003 and August 4, 2000
5. Letter of authorization dated December 8, 2004 from Teen Stop Jeunesse to Thomas Design Builders
6. Site Plans (4 pages)
7. Report from the Manager of Planning and Land Use dated February 15, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Catherine Green
Joan Embleton
Pat Leblanc
Ray Wan

In Opposition

Nil

For the City:

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

Ray Wan appeared in support of the application on behalf of the applicant and provided an overview of the proposal. Mr. Wan indicated that a public meeting was held with area residents and, as a result, the applicant has committed to building a fence to assuage their concerns. Mr. Wan requested that Committee waive the requirement for a ten percent (10%) dedication 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 as Teen Stop Jeunesse is a non-profit organization.

Pat Leblanc appeared in support of the application.

Exhibit "7" referred to in File DASZ 51/2004 [c/r DAV 340392/2004D]

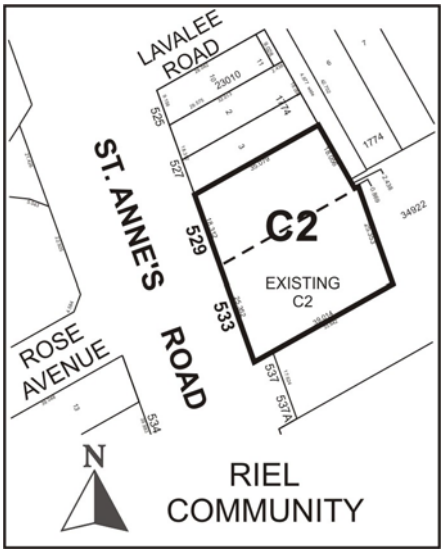
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date:	**February 15, 2005**
File:	**DASZ 51/04**
Related Files:	**DAV 04-340392D**
Subject:	**Application to rezone 529 St. Anne's Road from "R1-20" Residential to "C2" Commercial and to consolidate two existing lots into one new zoning lot.**

Location: **529, 533 St. Anne's Road**



Applicant:	**Thomas Design Builders, Ltd.**
Owner:	**Teen Stop Jeunesse Inc.**

Recommendation: **Approved**

2110

Site Description

The southernmost of the two subject lots, which is occupied by Go Line Sports and Teen Stop Jeunesse, is zoned "C2" Commercial. The northernmost lot, which is zoned "R1-20" Residential, is occupied by a vacant single-family residence, which is slated to be demolished as part of this development. The property fronts a predominantly commercial stretch of St.Anne's Road.

North:	A vacant lot zoned "R1-20" Residential
South:	To the immediate south is a single-family residence zoned "R1-20". Further south is public right of way for Bishop Grandin Boulevard.
East:	A multi-story seniors residence zoned "RM-4" Multiple Family.
West:	Commercial uses zoned "C2" Commercial.

Description of the Proposed Development

The applicant, who owns the commercial building at 533 St. Anne's Road, has acquired the adjacent residential parcel (529 St. Anne's Road) and is proposing to consolidate the two parcels. This requires a rezoning of the residentially zoned parcel from "R1-20" Residential to "C2" Commercial.

Further to this, the applicant is proposing to expand their existing facility to the north from the current ± 6,000 square feet of floor space to 15, 750 square feet of floor space.

The newly expanded facility will continue to house Teen Stop Jeunesse and the St. Vital Adult Education Center. In addition, several other community service organizations will be moving into the building including the following:

- Victor Mager Adult Education and Training, which provides job re-entry and literacy programs;
- Youville Center, which offers outreach counseling as well as classes in parenting, medical issues, mental issues, etc;
- Morrow Avenue Child Care Program for Families, which provides 24/7 child to accommodate those parents in the community who work shifts and are in need of child care care.

The proposed hours of operation will be as follows:
Classroom space – 9:00am to 10:00pm
Child Care – 24 hours

In conjunction with this application, several yard variances and a parking variance have been applied for (see DAV 04-340392D).

Analysis

As previously mentioned, the applicant is proposing to consolidate two parcels and rezone the northernmost parcel in order to expand an existing commercial building. The Planning and Land Use Division has evaluated the proposed rezoning and subdivision and offers the following comments:

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.

Compatibility with existing neighbourhood and surrounding uses
The proposed establishment has been at its current location for several years. The use has fit in well with the neighborhood and the applicant has indicated that they have met with surrounding neighbors to discuss the proposed development, including the hours of operation.

Most of the remaining residential frontage lots along St. Anne's have been rezoned and converted into commercial businesses in recent years. The existing single-family home at 529 St. Anne's Road is vacant and the desirability for single-family along this stretch of St. Anne's Road is limited. Therefore, consolidation of this lot to allow expansion of the adjacent commercial building is appropriate. Additionally, while the surrounding uses are of a mixed commercial and residential nature, the character of the area, primarily as a consequence of the large shopping center across the street, is "C2" Commercial.

It should also be noted that the subject establishment is to be fully oriented towards St. Anne's and should not have any adverse effects on the residential areas to the east.

Transportation
Public Works is requesting that the applicant provide a 5.0m (16.40 ft) strip of property along the full length of their frontage abutting St. Anne's Road for a future widening to the St. Anne's Road right-of-way. Public Works has indicated that such a widening is consistent with the widening obtained from the property to the south and is required for future improvements at the intersection of St. Anne's Road and Bishop Grandin Boulevard.

Recommendation

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

- The trend of development along this stretch of St. Anne's is commercial;
- Services for commercial development are available;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed development provides an important service to the community;
- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area.

- There have been several rezonings to "C2" Commercial along this stretch of St. Anne's Road, including the adjacent property to the north (527 St. Anne's Road) in 2004.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 51/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 51/04, attached hereto and dated February 15, 2005 for registration in the Winnipeg Land Titles Office.

II. 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 51/04, attached hereto and dated February 15, 2005, to a "C2" Commercial District.

III. That the landowner shall provide, at no cost to the City, by way of a plan of subdivision, property required for a 5.0m (16.40 ft) widening to the St. Anne's Road right-of-way for the full length of the subject property abutting St. Anne's Road all as generally illustrated on sketch plan PR05-03, dated February 2, 2005.

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.

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 registration with the plan of subdivision in the Winnipeg Land Titles Office.

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 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.

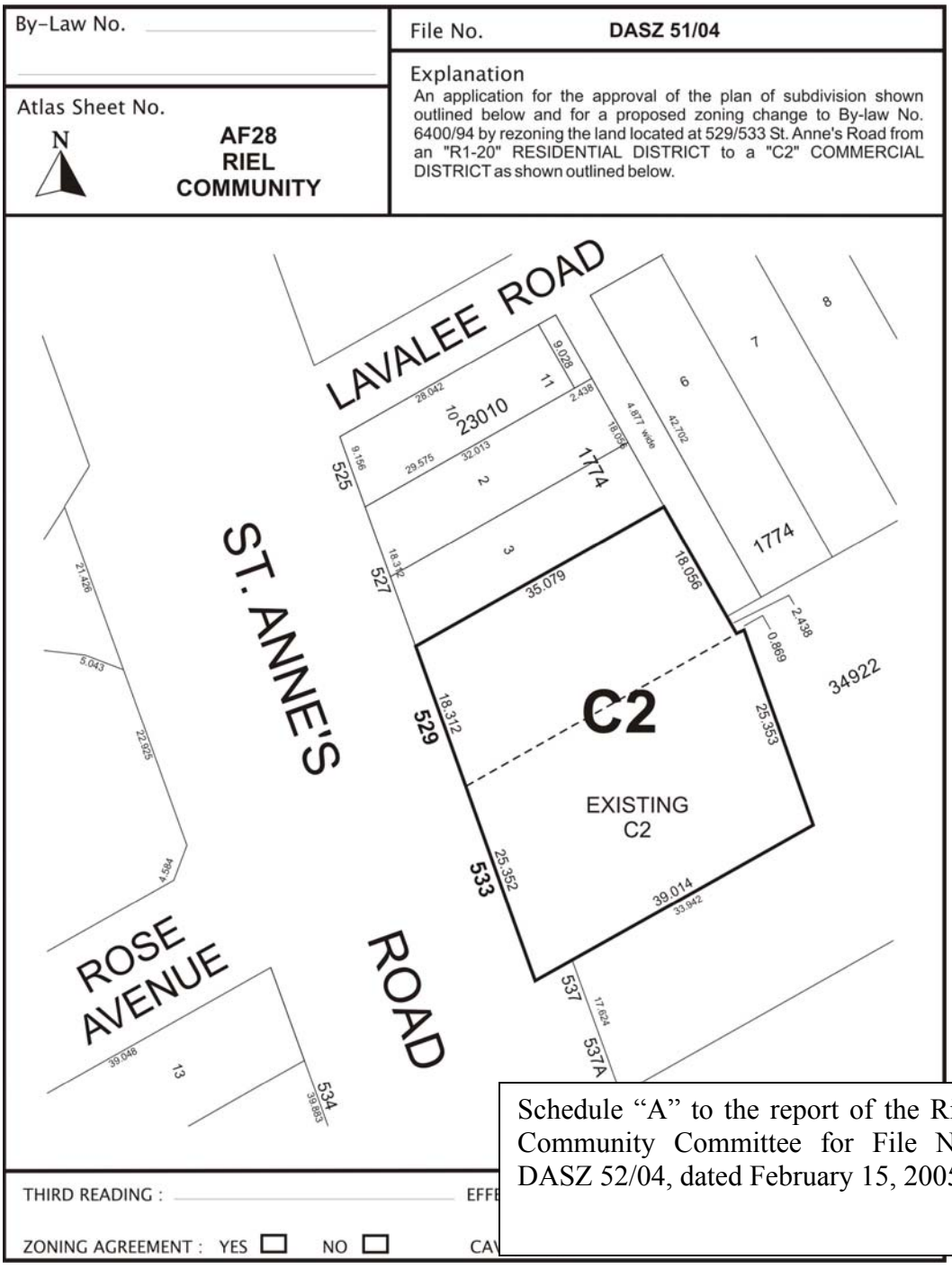
IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

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: Michael Robinson, AICP
PPD File # 5.510

Schedule "A"



Schedule "A" to the report of the Riel Community Committee for File No. DASZ 52/04, dated February 15, 2005.



Figure 1: Aerial Photo (Flown in 2002)

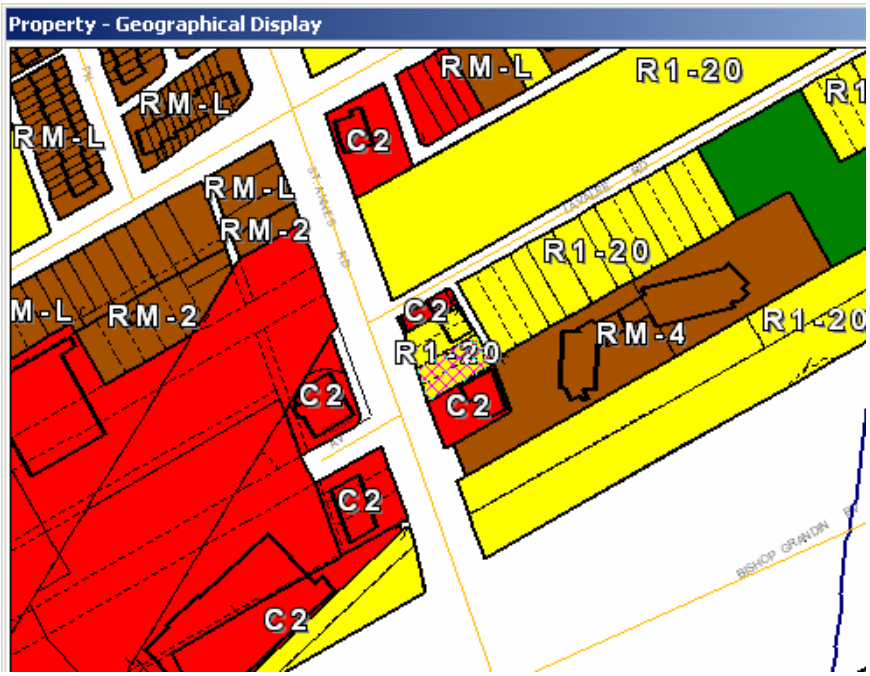


Figure 2: Zoning Map