Minute No. 296
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 15 Rezoning - 1589 St. Mary's Road
File DAZ 204/2005

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

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 204/2005 dated February 15, 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 final site plans indicating the location of buildings, signage, parking details, landscaping and fencing, garbage collection and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

      ii. That there be no vehicle access permitted to the adjoining public lane from the subject site.

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 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.

Report - Standing Policy Committee on Property and Development - March 7, 2005

COUNCIL DECISION (continued)

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.

Report - Standing Policy Committee on Property and Development - March 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 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 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: **Rezoning - 1589 St. Mary's Road**
File DAZ 204/2005

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

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

Report date: **February 25, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2005 dated February 15, 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:

        ii. That final site plans indicating the location of buildings, signage, parking details, landscaping and fencing, garbage collection and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

        ii. That there be no vehicle access permitted to the adjoining public lane from the subject site.

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.

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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.

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

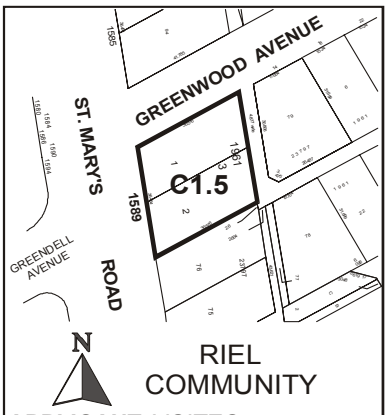
File: DAZ 204/2005

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

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

Applicant: Voitec Architect (Wojtec Rzeszowski)

Subject:



APPLICANT: VOITEC ARCHITECT
FILE: DAZ 204/05
PROPOSAL: To rezone the land shown outlined above from an "R1-5" RESIDENTIAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: VOITEC ARCHITECT
N° DE RÉFÉRENCE : DAZ 204/05
PROJET : Demande de changement de zonage du bien-fonds indiqué ci-dessus en vue de le faire passer de la catégorie R1-5 (SECTEUR RÉSIDENTIEL) à la catégorie C1.5 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1589 St. Mary's Road

Exhibits Filed:

1. Application dated January 24, 2005
2. Notification of Public Hearing dated January 27, 2005
3. Manitoba Status of Title 2041352
4. Surveyor's Building Location Certificate and sketch dated June 28, 1961
5. Letter of authorization dated January 11, 2005 from Barbara and Jerzy Przybyl to Wojtek Rzeszowski
6. Site Plans (3 pages)
7. Report from the Manager of Planning and Land Use dated February 15, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Jerzy Przybyl
Wojtec Rzeszowski

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

Wojtec Rzeszowski, the applicant, accompanied by Jerzy Przybyl, appeared in support of the application. In response to a request from Mr. Rzeszowski to eliminate the requirement for a two (2) metre high lightproof fence along the east property line as outlined in the Report of the Manager of Planning and Land Use dated February 15, 2005, Councillor Steeves indicated that he was not willing to eliminate said requirement.

Exhibit "7" referred to in File DAZ 204/205

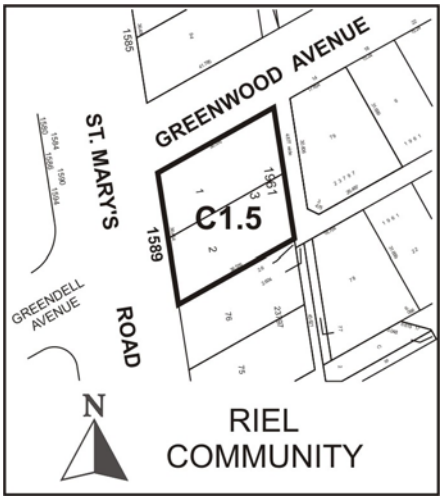
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 15/05
File: DAZ 204 /05
Related Files: NA
Subject: To rezone the subject property from "R1-5" Residential to "C1-5" Commercial in order to establish a spa, beauty salon and offices.

Location: 1589 St. Mary's Road
Legal Description: Lots 1 & 2 Block 3, 53/56 St. Vital, Plan 1961



Applicant: VOITEC Architect
Owner: Jerzy and Barbera Przybyl

Recommendation: (Approve with Conditions)

Site Description

The lot in question is situated at the S.E. corner of Greenwood Avenue and St. Mary's Road and is currently zoned R1-5 Residential. The dwelling which occupied the site for many years is being relocated to a location on St. Anne's Road. The property has 119' of frontage along St. Mary's Road and has an overall area of approximately 14,280 sq. ft. Existing access is via Greenwood Avenue. To the north across Greenwood is a single remaining dwelling and a large commercial site zoned C2 which has frontage on Greenwood but no direct access. To the east along Greenwood are single family homes zoned R1-5 Residential. To the south , all of the frontage properties are occupied with commercial businesses zoned either C1 or C2 Commercial. To the west across St. Mary's Road are several commercial lineal malls zoned C1 and C2 Commercial.

Background

Early in 2005, the applicants applied for and obtained a demolition permit to remove the existing dwelling and relocate it to a lot on St. Anne's Road. At that time they indicated that an application to rezone the subject property to a commercial was imminant.

Description of the Proposed Development

The applicants are proposing to construct a two story , 4868 sq. ft. health spa and office at the N.W. corner of the subject site. The main floor spa will have pedicure stations, saunas, massage rooms and several men's and women's hair cutting areas. The second floor will be utilized for future office space. A hard surface parking area for 26 parking stalls will occupy the remainder of the lot. A 2' 6" high fence is proposed to be constructed along the full length of the south and east property lines. There is to be an access in off of both St. Mary's Road and Greenwood Avenue.

Analysis

The subject property is one of the last remaining residential properties along what is a very busy thoroughfare. The highest and best use of this land is probably restricted commercial development, properly buffered from neighbouring residents and easily accessed. The proposed use would appear to be an acceptable use of the land, given that the proposed building appears to be well designed and is to be properly sited on the property. The proposed use is certainly preferable to uses like carwashes, drive-thru restaurants, or service stations which are common place south of Bishop Grandin Blvd. and often operate 24 hours a day. Provision for parking is deemed to be adequate , as is the level of landscaping; however it is our opinion that proposed fencing along the east property line is not adequate. We would recommend a 2 metre high lightproof fence along the east property line to minimize traffic impact on adjoining residents/ property owners to the east along Greenwood Avenue. It should further be noted that there is no vehicle access proposed directly to the rear lane.

Recommendation

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

- The proposed use, is , in the view , of this Department , an appropriate use of land along what is a major thoroughfare and it should be further noted that most frontage properties in this area have already converted for commercial development.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 204/05, attached hereto and dated February 15/05, 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:

1. That final site plans indicating the location of buildings, signage, parking details, landscaping and fencing, garbage collection and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

2. That there be no vehicle access permitted to the adjoining public lane from the subject site.

II. 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.

III. 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.

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 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 Charter.

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

Report Prepared by: Kevin Lalor
PPD File # 524

By-Law No. _____

File No. **DAZ 204/05**

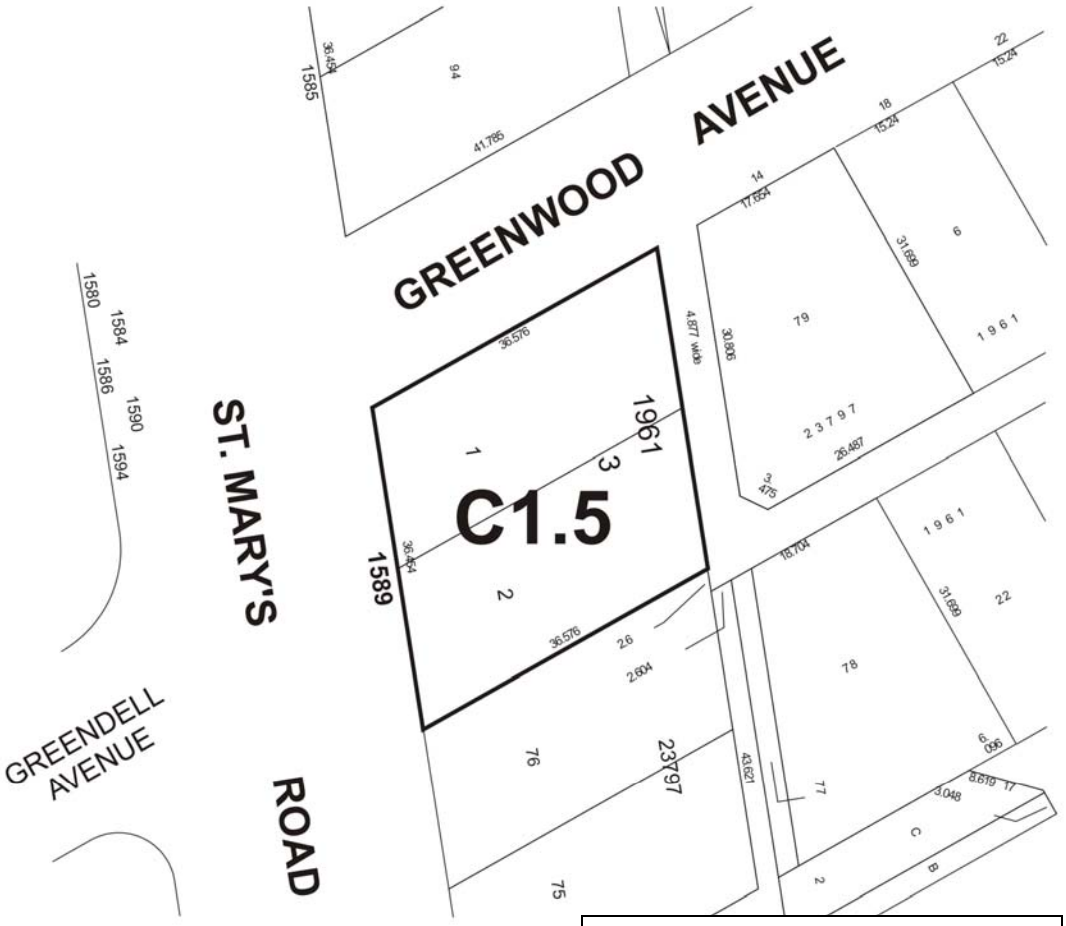
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1589 St. Mary's Road from an "R1-5" RESIDENTIAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AH27
RIEL
COMMUNITY



Schedule"A" for File No. DAZ 204/05, Riel Community Committee, dated February 15/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____