Agenda - Council - April 27, 2005

Report - Standing Policy Committee on Property and Development - April 5, 2005

Item No. 3 Rezoning - 999 Sargent Avenue
File DAZ 248/2004

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre 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 248/2004 dated February 21, 2005, to a "PR2" Parks and Recreation District.

2. 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.

3. 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 - April 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 1, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 999 Sargent Avenue**
File DAZ 248/2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **March 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 1, 2005, the City Centre 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 248/04, dated February 21, 2005, to a "PR2" Parks and Recreation District.

2. 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.

3. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated February 21, 2005.

PUBLIC HEARING SUMMARY

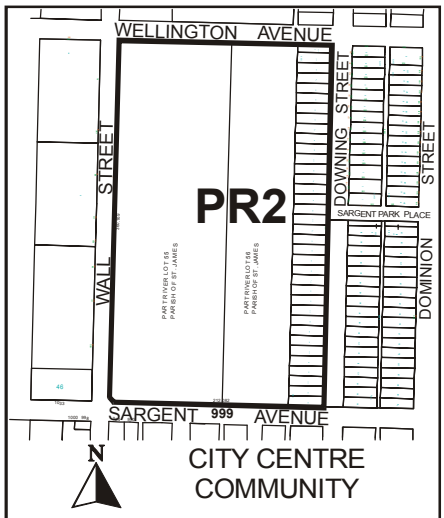
File: DAZ 248/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: March 1, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: City of Winnipeg

Subject:



APPLICANT : CITY OF WINNIPEG
FILE : DAZ 248/04
PROPOSAL : To rezone the land shown outlined above from an "R2A" RESIDENTIAL DISTRICT to a "PR2" PARKS AND RECREATION DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 999 Sargent Avenue

Exhibits Filed:
1. Application dated Jan 24, 2005
2. Notification of Public Hearing dated January 8, 2005
3. Manitoba Certificate of Titles 219067, 175695, 171843, 170520, 170336, 169981, 169887, 169732, 169448,

167930, 166700, 166661, 166289, 166288, 166287, 166144, and 166073

3a. Title Search 1313284

4. Variance Order DAV 320494/2004C

5. Plan (1 page)

6. Report from the Manager of Planning and Land Use dated February 21, 2005

7. Inspection Report

REPRESENTATIONS:

In Support:

Thomas Fred, Project Management Coordinator, Planning, Property and Development Department

In Opposition

Nil

For Information:

Mr. and Mrs. Harvey Kennedy

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

The applicant, Thomas Fred representing the City of Winnipeg, appeared in support of the application and gave an overview on the development.

Mr. and Mrs. Harvey Kennedy appeared for information and inquired as to the premises affected by the development.

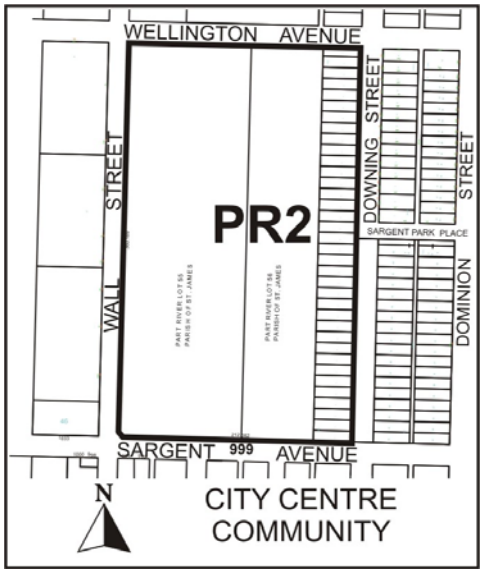
The Planner gave a description of the premises affected.

Exhibit "6" referred to in File DAZ 248/2004

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	February 21, 2005
File:	DAZ 248/04
Related Files:	DAV 04-320494/C
Subject:	REZONING
Location:	999 Sargent Avenue
Legal Description:	LOT 598/599 PLAN 1596 57 ST JA LOT 603/625 LOT 628/638 PT RLS 55/56 ST JA LYING N OF N LIMIT SARGENT AV PL 1368 WHICH LIES TO S OF STR LINE DRAWN PARL WITH SAID N LIMIT & DIST NLY THEREFROM 1216F MEAS ON COURSE OF W LIMIT SAID LOT 55 EXC WELLINGTON AV PL 1721 EXC OUT OF SAID RL 55 ST JA FIRSTLY WLY 30F SECONDLY SARGENT AV PL 29742



Applicant: City of Winnipeg Parks, Riverbanks and Community Initiatives Branch – Tom Fred
Owner: Same

Recommendation: The Planning and Land Use Division recommends **approval**.

Site Description

Site Area

999 Sargent Avenue is an approximately 19.28 acre (840,000 square foot) lot located in the Sargent Park Neighbourhood of the City Centre Ward.

Existing Land Use and Zoning
The subject site is zoned 'R2A' Residential and is occupied the Sargent Park Pool and Recplex.

Surrounding Land Use and Zoning
North: Wellington Avenue then 'R2A' Residential and 'M1' Industrial
South: Sargent Avenue then 'R2A' Residential and 'M1' Industrial
East: Downing Street & Dominion Street then 'R2A' Residential
West: Wall Street then 'M1' Industrial



Figure 1: Subject Site (Aerial Photography Flown 2002)

Background

The Sargent Park Pool and Recplex has been in existence on this site since 1908. Unfortunately, a blanket re-zoning of the area encompassed the site designating it 'R2A' Residential. The purpose of this application is to bring the zoning of the property back inline with the use.

Description of the Proposed Development

The City of Winnipeg intends to undertake a major renovation of the facilities and site in the near future.

Analysis

The Planning and Land Use Division has no objections to the proposed rezoning.

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 248/04, attached hereto and dated February 21, 2005, to a "PR2" Parks and Recreation District;

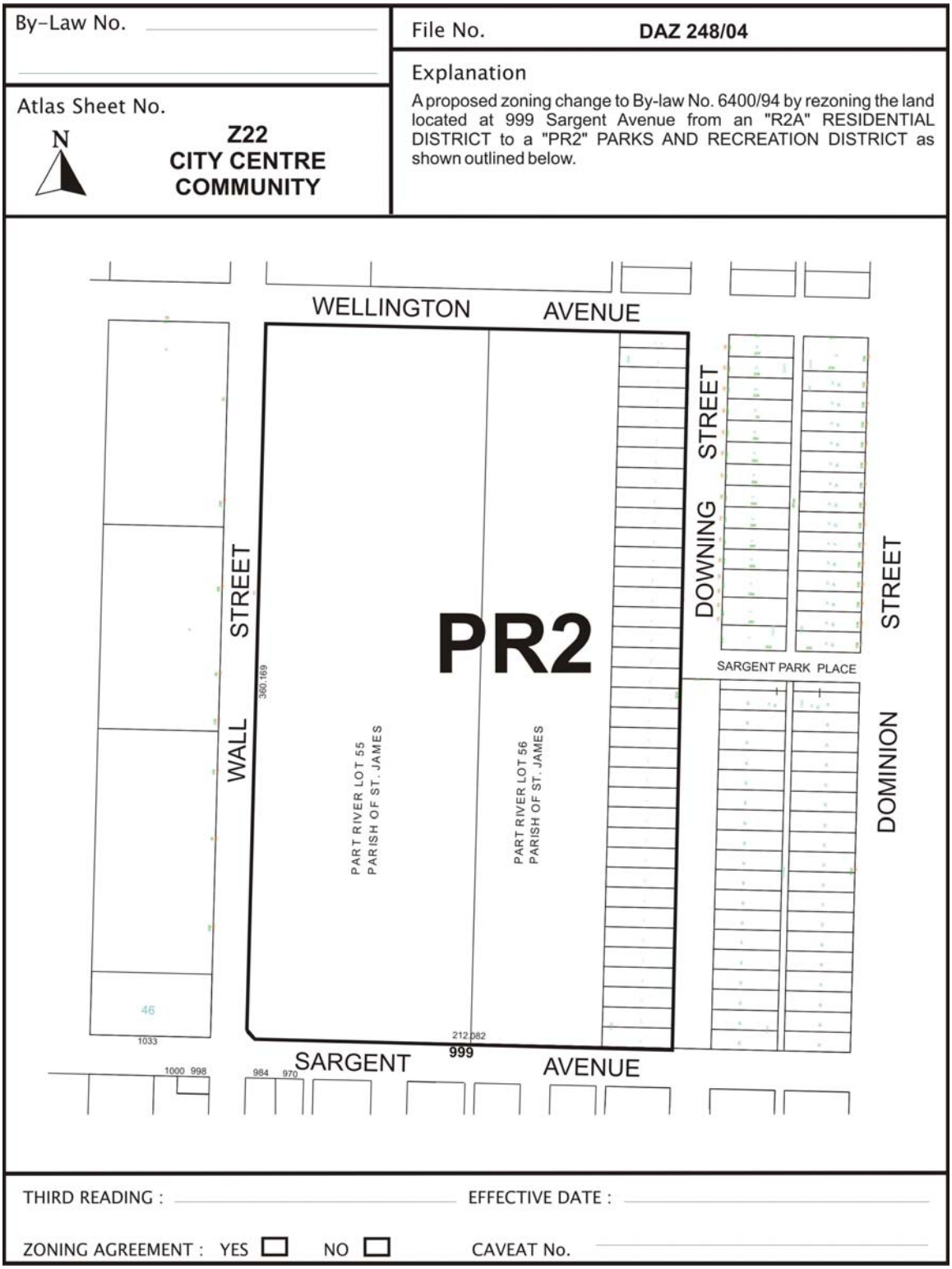
II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings;

III. 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: James Veitch, Planner - City Centre
PPD File # DAZ 248/04

Schedule "A"



Schedule "A" to the report to the City Centre Community Committee for file Number DAZ 248/04 dated February 21, 2005.

Exhibit "4" referred to in File DAZ 248/2004

The City of Winnipeg
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 320494/2004C

Before:	Board of Adjustment Mr. Bill Lyons, Chairperson Ms. Arlene Ratuski Mr. Pablo Herrera
Hearing:	August 25, 2004 Second Floor, 300 Assiniboine Avenue
Applicant:	Parks, Riverbanks and Community Initiatives Branch (Tom Fred)
Premises Affected:	999 Sargent Avenue
Legal Description:	LOT 598/599 PLAN 1596 57 ST JA LOT 603/625 LOT 628/638 PT RLS 55/56 ST JA LYING N OF N LIMIT SARGENT AV PL 1368 WHICH LIES TO S OF STR LINE DRAWN PARL WITH SAID N LIMIT & DIST NLY THEREFROM 1216F MEAS ON COURSE OF W LIMIT SAID LOT 55 EXC WELLINGTON AV PL 1721 EXC OUT OF SAID RL 55 ST JA FIRSTLY WLY 30F SECONDLY SARGENT AV PL 29742, hereinafter called "the land"
Property Zoned:	"R2A" Two-Family District, Airport Vicinity protection Area
Zoning Atlas Sheet:	Z22 (AZ)
Nature of Application:	To vary the "R2A" Two-Family District, Airport Vicinity protection Area regulations of The Winnipeg Zoning By-law No. 6400/94 for a change of use for a period of time

not to exceed 5 years to permit the establishment of the following temporary uses limited to 2 events per calendar year:

1. carnival;
2. circus;
3. fair

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

(a) is consistent with Plan Winnipeg, and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:

The Board of Adjustment orders that the provisions of the "R2A" Two-Family District, Airport Vicinity protection Area regulations of The Winnipeg Zoning By-law No. 6400/94 are varied on "the land" for a change of use for a period of time not to exceed 5 years to permit the establishment of the following temporary uses limited to 2 events per calendar year:

1. carnival;
2. circus;
3. fair,

subject to the following condition, which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1. That if any development approved by this Order is not established within two (2) years of the date of this Order, the part of this Order dealing with that development will terminate.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: August 27, 2004

CERTIFIED BY:



Carlos Gameiro
Secretary to the Board

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on September 13, 2004, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 320494/2004C, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: **City Clerk, City of Winnipeg**
c/o Appeal Committee
380 William Avenue
Winnipeg, MB R3A 0J1
Fax *986-6634*
Email cgameiro@winnipeg.ca

3044

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Tom Fred, Parks, Riverbanks and Community Initiatives Branch
Linda Haskayne
MaryAnn Mihychuk

In Opposition:

Nil

For the City:

Ms J. East, Coordinator Urban and Neighbourhood Planning, Planning Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department