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

Proposed Rezoning - land located at 859 Westminster Avenue, northwest corner at Home Street
File DAZ 206/2002
[c/r DCU 116/2002D, DAV 379/2002D]

7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Syverson Monteyne Architecture (Tom Monteyne), 607 – 70 Arthur Street, Winnipeg to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject land from a "R2-T" Two-Family Transitional Residential District to a "C1.5" Commercial District to allow for the expansion of an existing bakery and the establishment of a restaurant.

The property contains a 2.5 storey wood-frame house and an older, non-conforming, 2 storey, brick commercial building with a wood-frame stair addition. The house contains 2 suites. The commercial building previously contained a laundromat. The property is now owned by Tall Grass Prairie Bread Co. and Deli Inc. The commercial building was approved under File DAV 174/87 for a 1,200 square foot bakery/delicatessen (basement and main floor). The original building contains about 600 square feet of floor area in the basement and on each of 2 floors. A subsequent expansion involving a 784 square foot, 2-storey addition was approved under File DAV 567/94C, but was not undertaken. The current application would rezone the entire property to permit the construction of a 1,200+ square foot, two-storey bakery addition to include additional production space customer service area. It is not proposed to alter the house.

On June 5, 2002, the City Centre Community Committee held a public hearing to consider the subject rezoning application. Seven people registered in support of the application and no one registered in opposition thereto.

The City Centre Community Committee concurred in the recommendation contained in the report May 22, 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 reasons:

1. The property is designated Neighbourhood Policy Area under Plan Winnipeg. Commercial rezonings within Neighbourhood Policy Areas are allowed under Plan Winnipeg. In general terms, the rezoning is deemed to comply with Plan Winnipeg if it is determined that the development is compatible with the character of the neighbourhood and will not have a detrimental impact on the residential environment.

2. The bakery is a fixture in the neighbourhood and provides a popular and beneficial service that contributes to the liveability of the neighbourhood.

3. The property is well maintained and the overall project design is sensitive to the site constraints and the architectural character of the neighbourhood.

4. The expansion is primarily aimed at improving the operation of the bakery and the comfort and convenience of shoppers. The improvements are unlikely to generate more traffic but rather, will better accommodate the bakery's existing customer base.

5. The property's residential component is being maintained.

6. The area residents are prepared to support the proposed expansion with conditions aimed at ensuring that the scale and intensity of the operation remains compatible with the neighbourhood setting.

On June 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Zoning Change Report dated June 13, 2002, from the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2002 dated May 22, 2002, 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 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the use of the property be limited to the following:

         a. Bakery with a maximum production area of seven hundred (700) square feet

         b. Restaurant, with a maximum floor area of three hundred (300) square feet and a maximum outdoor patio area of three hundred (300) square feet, with service limited to the sale of non-alcoholic beverages and baked goods produced on the premises with maximum seating for twenty (20).

      2. That the existing house be retained and used for residential purposes only.

      3. That prior to the issuance of a development permit, detailed plans showing the site layout, building interiors and elevations, exterior finishes,

landscaping, fencing, site lighting, signage, and garbage enclosure be submitted for the approval of the City Centre Community Committee.

II. 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.

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

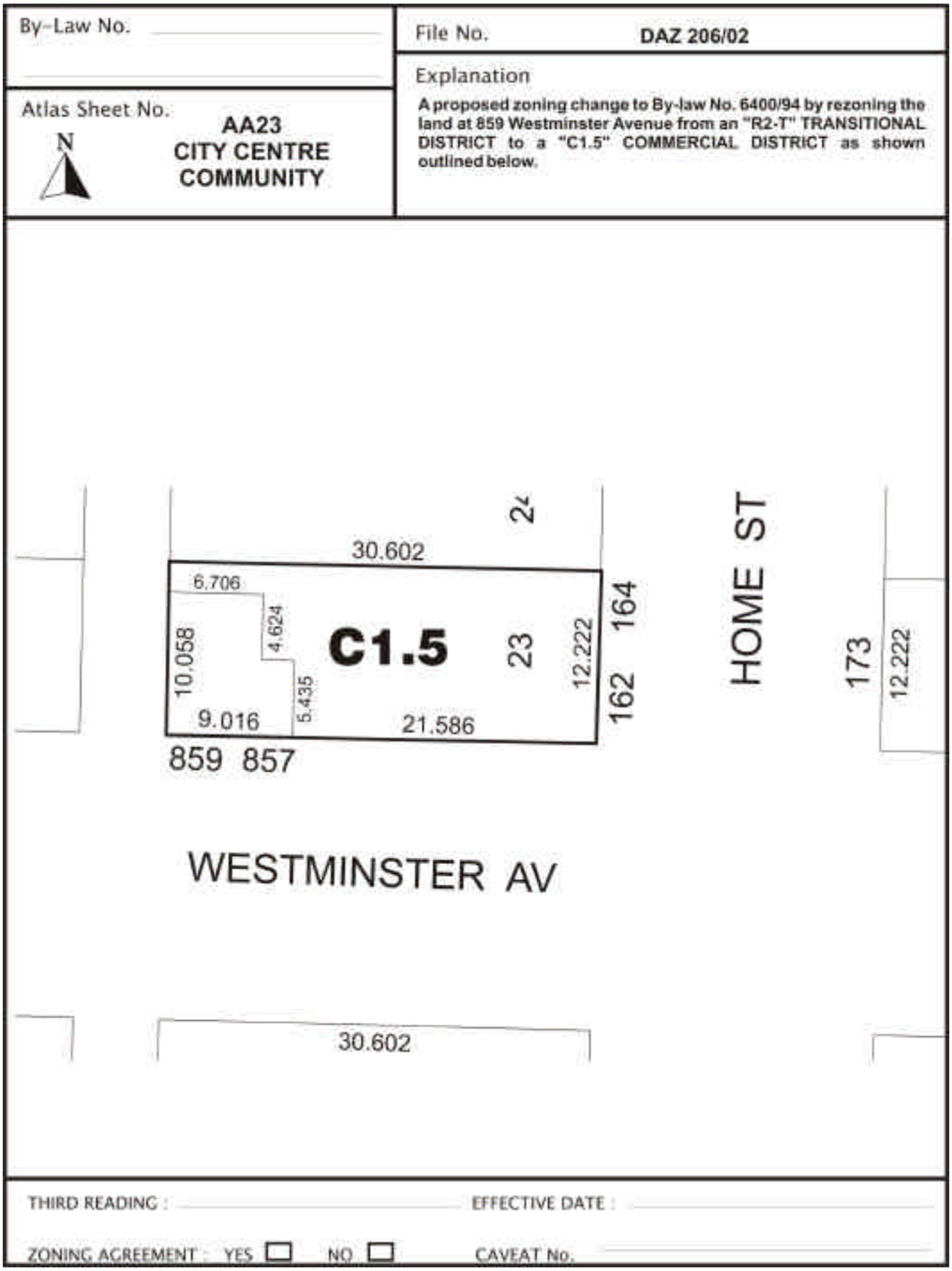

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 206/02, dated May 22, 2002.