Minutes - Executive Policy Committee – April 20, 2005

Minute No. 302
Report - Standing Policy Committee on Property and Development – April 5, 2005

Item No. 2 Subdivision and Rezoning - 447 and 451 Watt Street
File DASZ 1/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 1/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2005 dated February 22, 2005, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That a light proof wood ornamental fence with vertical style boards and six (6) feet in height be erected and maintained along the east property line from the rear public lane to a point fifteen (15) feet from Washington Avenue where the fence will be four (4) feet in height;

    B. That all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container;

    C. That there shall be no free standing identification or advertising signs including mobile sign, poster signs, and A-frames permitted on that portion of the land that is adjacent to Washington Avenue;

    D. That no illuminated signage be erected on the east side of any buildings;

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

E. That the final plans showing the location and details of fencing and garbage enclosures shall be submitted to the East Kildonan-Transcona Community Committee for approval prior to the issuing of any development or building permits and the owner shall maintain the fencing and garbage enclosures to the satisfaction of the Director of Planning, Property and Development.

4. 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 and the creation of additional sites.

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 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. 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.

9. 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 East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On March 1, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 447 & 451 Watt Street**
File DASZ 1/2005 [c/r DAV 100837/2005D]

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

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 22, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 1, 2005, the East Kildonan-Transcona 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 1/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2005, dated February 22, 2005, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions

    A. That a light proof wood ornamental fence with vertical style boards and 6 feet in height be erected and maintained along the east property line from the rear public lane to a point 15 feet from Washington Avenue where the fence will be 4 feet in height;

    B. That all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container;

    C. That there shall be no free standing identification or advertising signs including mobile sign, poster signs, and A-frames permitted on that portion of the land that is adjacent to Washington Avenue;

    D. That no illuminated signage be erected on the east side of any buildings;

E. That the final plans showing the location and details of fencing, and garbage enclosures, shall be submitted to the East Kildonan - Transcona Community Committee for approval prior to the issuing of any development or building permits; and the owner shall maintain the fencing, and garbage enclosures to the satisfaction of the Director of Planning, Property and Development.

4. 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 and the creation of additional sites.

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. 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.

9. That 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.

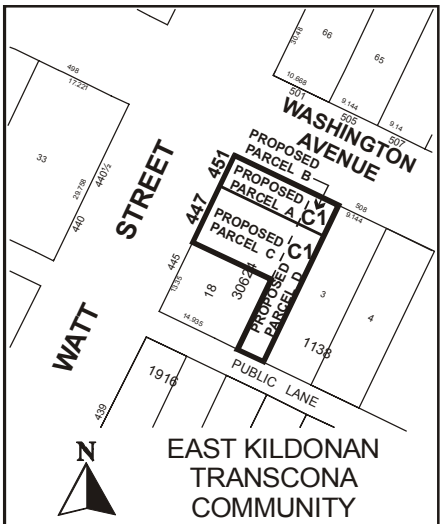
The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The current “R1-3” Residential District designation is unsuitable.

2. The subject property is not required as a public lane and is more appropriately utilized as parking.

PUBLIC HEARING SUMMARY

File:	DASZ 1/2005 [c/r DAV 100837/2005D]
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Thomas
Public Hearing:	March 1, 2005 Gymnasium B, Miles Macdonell Collegiate 757 Roch Street
Applicant:	City of Winnipeg Planning Property and Development Department (Pat Henry/Joedi Pruden)
Subject:	



APPLICANT : CITY OF WINNIPEG
FILE : DASZ 1/05
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 "R1-3" RESIDENTIAL DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected:	447 and 451 Watt Street

Exhibits Filed:

1. Application dated January 18, 2005
2. Notification of Public Hearing dated February 7, 2005
3. Manitoba Status of Titles 1845948, 1344996, 1345961
4. Surveyor's Building Location Certificate and Sketch dated November 10, 1980

5a. Letter of authorization dated December 21, 2004 from Andrew Arymugam to the City of Winnipeg

5b. Letter of authorization dated December 21, 2004 from Grace Huynh to the City of Winnipeg

5c. Letter of authorization dated July 1, 2004 from B.S.R. Arumugam to the City of Winnipeg

5d. Letter of authorization dated December 23, 2004 from the Planning, Property and Development Department to A. Armugam

6. Drawings of subject property (3 pages)
7. Plan
8. Report from the Manager of Planning and Land Use dated February 22, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition

Nil

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No persons registered with respect to the application.

Exhibit "8" referred to in File DASZ 1/2005 [c/r DAV 100837/2005D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 22, 2005**
File: **DASZ 1/05**
Related Files: **DAV05-100837D**
Subject: **Rezone and consolidate vacant lot with the adjacent commercial lots.**

Location: **447 / 451 Watt Street**
Legal Description:



Applicant: **Real Estate Division, Planning, Property and Development Department, City of Winnipeg**

Owner: **City of Winnipeg**
Andrew Arumugam
Grace Huynh

Recommendation: Approval

Report Summary:

- The City of Winnipeg Real Estate Division is proposing to subdivide a vacant parcel of land into two parcels, and consolidate each new parcel with two of the adjacent commercial lots that front Watt Street.
- The commercial land-users intend to use the vacant parcel of land for vehicle parking.
- The Department recommends approval of the application.

Site Description

The subject City of Winnipeg property is 16 feet by 97.9 feet (1,566 square feet) that is east of Watt Street and fronts on Washington Avenue. The site is zoned "R1-3" Residential District. Adjacent properties include residential dwellings to the east designated "R1-3" Residential Districts, and commercial properties to the west zoned "C1" Commercial District. Surrounding lands include single family dwellings zoned "R1-3" and "R1-4" to the east and south. Along both sides of Watt Street are commercial properties zoned "C1" Commercial District.

Background

Prior to 1987 the former Works and Operations Department had attempted on several occasions to have the said property opened as a public lane in order to allow the properties fronting on Watt Street legal access to the rear of their holdings. These attempts were unsuccessful. In 1987, the then owner of 445 Watt Street applied to purchase the subject City property but the Works and Operations Department objected as there was still an intent to open the property as a public lane. As an alternative, it was suggested that the property be leased to the adjoining owners. The then owners of 447 and 451 Watt Street were agreeable and entered into lease agreements with the City for "landscaping and maintenance purposes" and continued to do so for several years. These leases expired in 1992. The owner of 445 Watt Street was not interested in a lease.

Pursuant to a request from the current owner of 451 Watt Street, Grace Huynh, the Public Works Department reviewed its requirements and has withdrawn its objections to a sale, subject to the lands being consolidated with the adjoining holdings and access to the property being along the frontage of Washington Avenue.

The owner of 445 Watt Street was contacted. He advised that he has access to his property directly from the east/west public lane to the south, and, that he has sufficient parking on his own property. This owner advised that he would only be interested in the City's property if he could build upon it. It is not possible to build on the parcel B as the current owner of 447 Watt Street, Andrew Arumugam, would require a right-of-way over the property for his access purposes.

Consequently, the only solution to the disposition of the property was to negotiate a sale of the subject city properties to only Mrs. Huynh (451 Watt Street) and to Mr. Arumugam (447 Watt Street). These two owners each live in apartments over their respective businesses and have only street parking available to them.

Description of the Proposed Development

The adjacent commercial property owners at 447 and 451 Watt intend to purchase and use the City of Winnipeg land as parking for their commercial establishments.

The applicant is proposing to subdivide the property into two parcels [proposed parcel B and D]. The new parcels will then be consolidated with the adjacent commercial properties to the west [Parcel A (451 Watt) and Parcel C (447 Watt)]. Access to proposed parcel B will be from Washington Avenue and to parcel D from the rear public lane. The commercial property at 445 Watt Street is not part of this application.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

TRANSPORTATION AND SITE ACCESS
The Standing Policy Committee on Public Works on December 15, 2003 concurred in the administrative recommendation, namely, that the construction of one, 4.8 metre wide approach on the south side of Washington Avenue, approximately 14.9 metres east of Watt Street be approved.

ZONING
A "C1" Commercial District is intended to provide for local commercial uses typically found within neighbourhoods. These land-uses tend to cater to the local residents, and are usually scattered throughout Winnipeg's older neighbourhoods. They serve the local residents down the street and not necessary a community or city wide market. There are 41 Permitted Uses and 20 Conditional Uses in the "C1" Commercial District. There is a rear yard requirement of 25 feet and the maximum building height is 30 feet in "C1". Outside storage is not permitted in any commercial district but accessory parking and garbage enclosures in the rear yard are permitted.

SITE PLAN
The applicant has submitted a site plan that indicates two parking stalls with direct access to Washington Avenue will be developed behind 451 Watt Street. A loading space will be developed behind 447 Watt Street and two parking stalls will be developed in a 'stacked' fashion parallel to the rear wall of 445 Watt Street with access from the rear public lane. An associated variance has been made for substandard surfacing (gravel), parking stall size, landscaping, and fencing.

Recommendation

The Department recommends approval of the application. The dimension of the lot (16 feet in width) would not allow the construction of a single family dwelling. Consolidation with the residential property to the east is not possible since this would deny the commercial buildings to the west legal access to their rear doors. Parking has been taking place on this property since at least 1987. The rezoning will allow conditions to be attached to improve the parking area and ensure compatibility with the adjacent residents. These conditions are the construction of a wood barrier fence to screen the parking area from the adjacent residential dwelling, and limitations on illuminated signage on the east and north sides of the buildings.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 1/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. 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 1/2005, attached hereto and dated February 22, 2005, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions

    A. that, a light proof wood ornamental fence with vertical style boards and 6 feet in height be erected and maintained along the east property line from the rear public lane to a point 15 feet from Washington Avenue where the fence will be 4 feet in height;

    B. that, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container;

    C. that there shall be no free standing identification or advertising signs including mobile sign, poster signs, and A-frames permitted on that portion of the land that is adjacent to **Washington Avenue;**

    D. that no illuminated signage be erected on the east side of any buildings;

    E. that, the final plans showing the location and details of **fencing, and garbage enclosures,** shall be submitted to the East Kildonan - Transcona Community Committee for approval prior to the issuing of any development or building

permits; and the owner shall maintain the **fencing, and garbage enclosures** to the satisfaction of the Director of Planning, Property and Development.

4. 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 and the creation of additional sites.

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.

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7. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

8. 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.

9. 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: John S. Wintrup
PPD File # 4.401

Schedule "A"

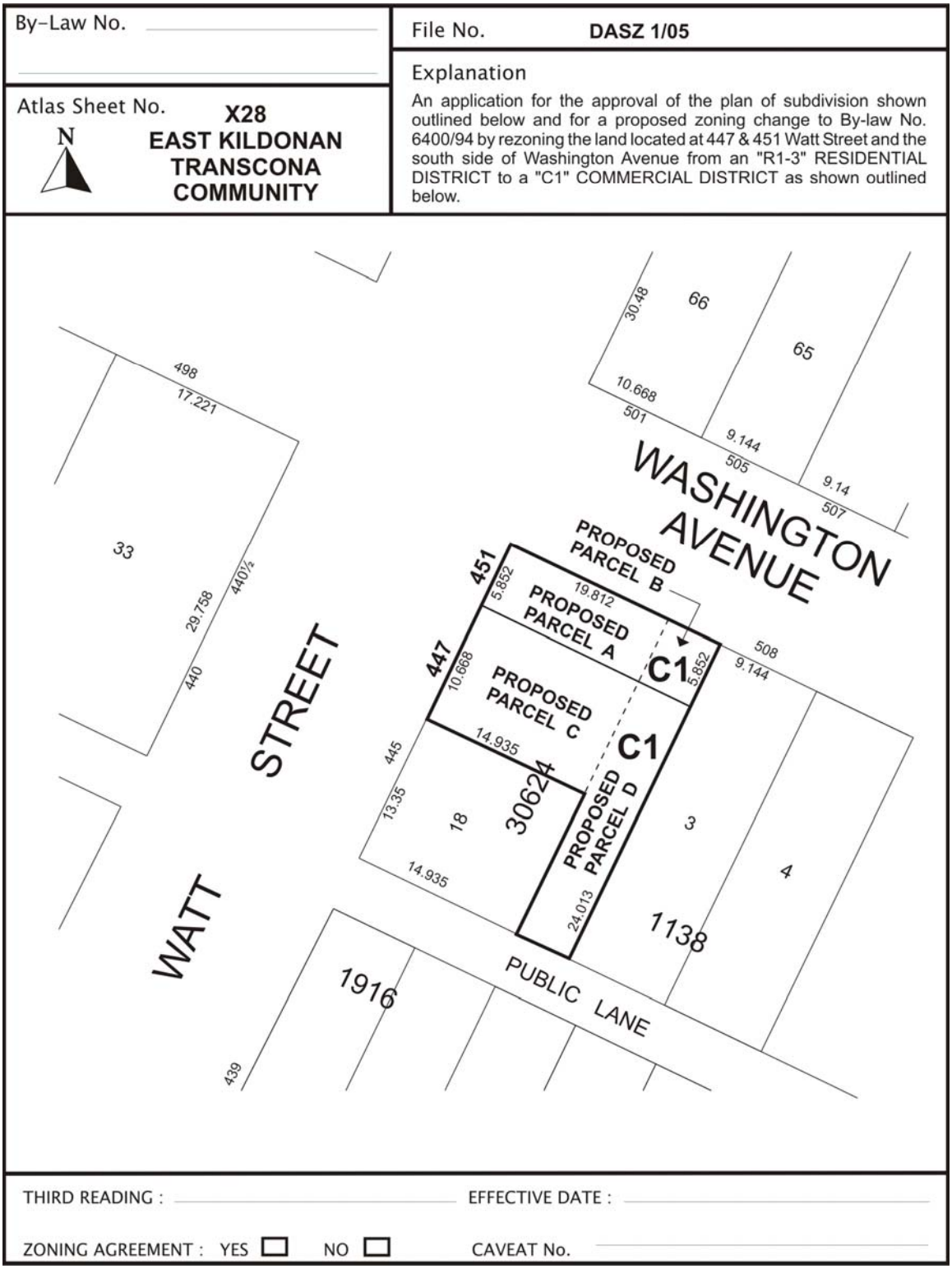

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 1/2005, dated February 21, 2005.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

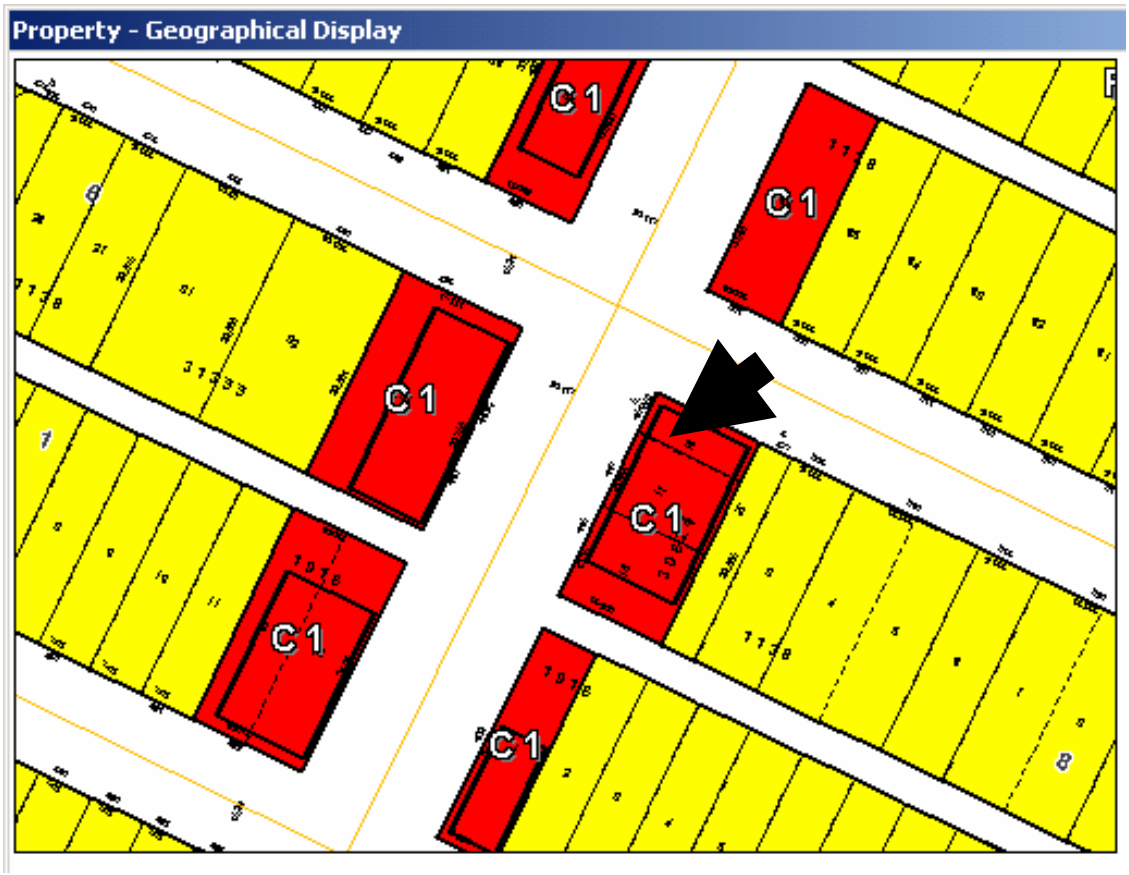

Figure 3: Existing Zoning for subject property and Surrounding Area.



Figure 4: Looking south from Washington Avenue at subject property.