Minutes – Executive Policy Committee – January 18, 2006

Minute No. 164
Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 7 Rezoning - 433 Young Street
File DAZ 229/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 229/2005 dated October 24, 2005, from a "C1" Commercial District 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 use of the site shall be restricted to the following:
         a. dwellings, including home occupations;
         b. parking area, at-grade;

      ii. that no building or structure shall exceed thirty (30) feet in height;

      iii. that all buildings, not including at-grade parking area, shall provide ten (10) foot minimum front yard; and

      iv. that plans showing the location, dimensions, materials, and details of the parking area and other structures (including but not limited to signs, lighting, landscaping, and fencing) shall be submitted to the Director of Planning, Property, and Development for plan approval prior to the issuance of development or building permits, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That Caveat No. 1262353 as it affects the subject lands be fully discharged.

3. 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.

Report - Standing Policy Committee on Property and Development - January 10, 2006

4. 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.

5. 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 (3) readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement referred to in Recommendation 1. A. 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 - January 10, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2006, 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 December 6, 2005, the City Centre Community Committee concurred in the administrative recommendation with the following amendments, namely:

- Recommendation 1
  That the "C2" be deleted and replaced with the word "C1-5"

- Recommendation 1.A.1.
  That recommendations c, d, e and f be deleted in their entirety,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On November 1, 2005, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on December 6, 2005.

RE: **Rezoning - 433 Young Street**
File DAZ 229/2005

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

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

Report date: **December 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 6, 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 229/2005 dated October 24, 2005, from a "C1" Commercial District to a ~~***"C2"***~~ ***"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 use of the site shall be restricted to the following:
         a. dwellings, including home occupations;
         b. parking area, at-grade;
         ~~***c. daycare centre;***~~
         ~~***d. retail or personal services, not exceeding 1 500 square feet in floor area;***~~
         ~~***e. office; and***~~
         ~~***f. studio, not exceeding 1 500 square feet in floor area;***~~

      ii. that no building or structure shall exceed 30 feet in height;

      iii. that all buildings, not including at-grade parking area, shall provide ten (10) foot minimum front yard; and

      iv. that plans showing the location, dimensions, materials, and details of the parking area and other structures (including but not limited to signs, lighting, landscaping, and fencing) shall be submitted to the Director of Planning, Property, and Development for plan approval prior to the issuance of development or building permits, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That Caveat No. 1262353 as it affects the subject lands be fully discharged.

3. 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.

4. 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.

5. 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 (3) readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement referred to in Recommendation 1. A. 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The applicant met with the area residents and came to a compromise for the development.

PUBLIC HEARING SUMMARY

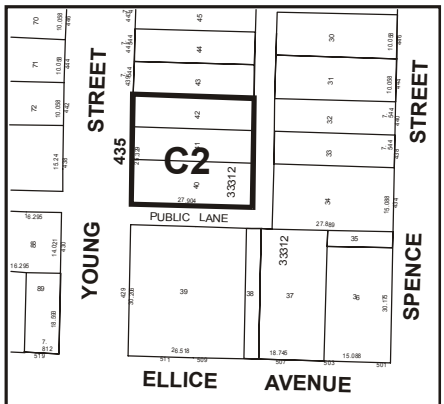
File: DAZ 229/2005

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

Public Hearing: December 6, 2005
West Committee Room, Council Building, 510 Main Street
November 1, 2005
Council Chamber, Council Building, 510 Main Street

Applicant: L M Architectural Group (Andrew Brimble)

Subject:



APPLICANT: LM ARCHITECTURAL GROUP
FILE : DAZ 229/05
PROPOSAL : To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement affecting the subject land. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 433 Young Street

Exhibits Filed:
1. Application dated September 21, 2005
2. Notification of Public Hearing dated October 13, 2005

3. Manitoba Status of Titles 2082542, 2082544 and 2082546
4. Letter of authorization dated May 5, 2005 from University of Winnipeg to L M Architectural Group
5. Zoning Agreement DAZ 207/1994
6. Drawing of subject property
7. Plans (1 page)
8. Report from the Manager of Planning and Land Use dated October 24, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Andrew Brimble, L M Architectural Group

In Opposition

Gerry Berard
Joel Casselman
Daniele G. Davis
Magdalene Friesen
Karen Giesbrecht
Richard Kathler
Steve Koepnick
Don Miedema, Housing Coordinator, Spence Neighbourhood Association
Fiorina Pasquarelli
Lynne Somerville

For Information:

Iris Ingram

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

November 1, 2005

No representations were heard inasmuch as the City Centre Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

December 6, 2005

The applicant, Andrew Brimble, L M Architectural Group, appeared in support of the application and gave a brief overview of the proposal.. Mr. Brimble stated he had met with the area residents and was willing to reduce development to a "C1.5" Commercial District. He requested a further adjournment to meet with the area resident, if the "C1.5" Commercial District was not acceptable.

Don Miedena, Housing Coordinator, Spence Neighbourhood Association appeared in opposition to the application. Mr. Miedena stated concurrence with the reduction to a "C1.5" Commercial District. He also stated that his opposition was to the application for "C2" Commercial District and not the development of the site.

Exhibit “8” referred to in File DAZ 229/2005

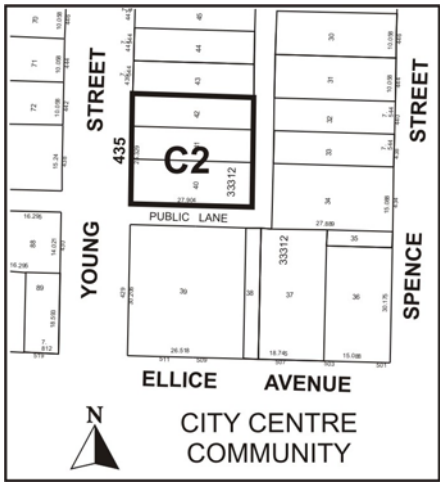
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: October 24, 2005
File: **DAZ 229/05**
Related Files: n/a
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a “C1” Commercial District to a “C2” Commercial District to allow the maintenance and expansion of a non-accessory parking area.

Location: 433 Young Street
Legal Description: SP Lots 40 – 42, Plan 33312



Applicant: LM Architectural Group
4098

Owner: University of Winnipeg

Recommendation: *Approved*

Site Description

The subject site is located on the east side of Young Street, north of Ellice Avenue. The site has been prepared for use as a parking lot. The property is currently zoned "C1" Commercial District. It's located north of the University of Winnipeg's new Ellice Avenue facility, which was established via conditional use application in June, 2005 (DCU 05-134035/C). Surrounding land uses include low-density residential dwellings to the west, north, and east ("R2-T") and commercial properties fronting Ellice Avenue to the south ("C1.5").



Figure 1: Subject Site (aerial photo flown 2002)

Background

This property has been the subject of several development proposals, dating back to 1987. Each applicant has proposed one form of parking facility or another.

Description of the Proposed Development

The applicant proposes to establish a surface parking lot, in conjunction with the recently established University of Winnipeg facility located to the immediate south of the subject site. The proposed parking lot expands an existing parking lot to a portion of the property previously occupied by a converted dwelling (business office).

Analysis
This portion of Young Street is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates residential, commercial, and institutional uses. *Plan Winnipeg* encourages the protection and enhancement of predominantly residential areas such as the Spence neighbourhood. It also supports character commercial avenues such as Ellice, that provide for a fine-grained mix of land uses and functions.

The key to balancing the functional requirements of a valued community institution (in this case, the University of Winnipeg) with the integrity of a residential enclave (such as the Spence neighbourhood) is to strive for compatibility—through the scale, variety, and design of specific developments. In and of itself, the proposed surface parking lot does not demonstrate a vibrant mix of uses. As a component of a larger package, provided care and attention are exercised in its scale and design, a parking lot at this location can be integrated into the neighbourhood at this location without eroding its integrity or diminishing residents' investments.

The University of Winnipeg has recently initiated a broad "Campus and Community Development Plan" process. Although it is in an early stage, the university's commitment to engaging the community in the plan's creation appears genuine. A meeting between representatives of the university and the Spence Neighbourhood Association is scheduled for the week of October 24, 2005—to discuss the 433 Young Street proposal and, presumably, to elaborate on the campus and community development plan process.

Planning, Property, & Development Department is prepared to recommend approval of the rezoning application to "C2", subject to strict limitations on use of the site by way of a zoning agreement. The department will also recommend a plan approval clause in order to facilitate discussions between the university, the neighbourhood association, and the district planner towards a site plan that capably integrates the proposed parking lot into the Spence neighbourhood. In approving the rezoning application, a redundant zoning agreement (DAZ 207/94) caveat should be removed from the title.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:
- Subject to the conditions of approval, the proposed parking lot can be integrated into this vibrant neighbourhood.

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 229/05, attached hereto and dated October 24, 2005, to a "C2" 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 use of the site shall be restricted to the following:
g.dwellings, including home occupations;
h.parking area, at-grade;
i. daycare centre;
j. retail or personal services, not exceeding 1 500 square feet in floor area;
k.office; and
l. studio, not exceeding 1 500 square feet in floor area;

ii. that no building or structure shall exceed 30 feet in height;

iii. that all buildings, not including at-grade parking area, shall provide 10 foot minimum front yard; and

iv. that plans showing the location, dimensions, materials, and details of the parking area and other structures (including but not limited to signs, lighting, landscaping, and fencing) shall be submitted to the Director of Planning, Property, & Development for plan approval prior to the issuance of development or building permits, and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development.

II. That Caveat No. 1262353 as it affects the subject lands be fully discharged.

III. 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.

IV. 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.

V. 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 (3) readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement referred to in Clause I. A. 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.

VII. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VIII. 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: M. Sandhurst
PPD File # DAZ 229/05

Schedule "A"

By-Law No. _____

File No. **DAZ 229/05**

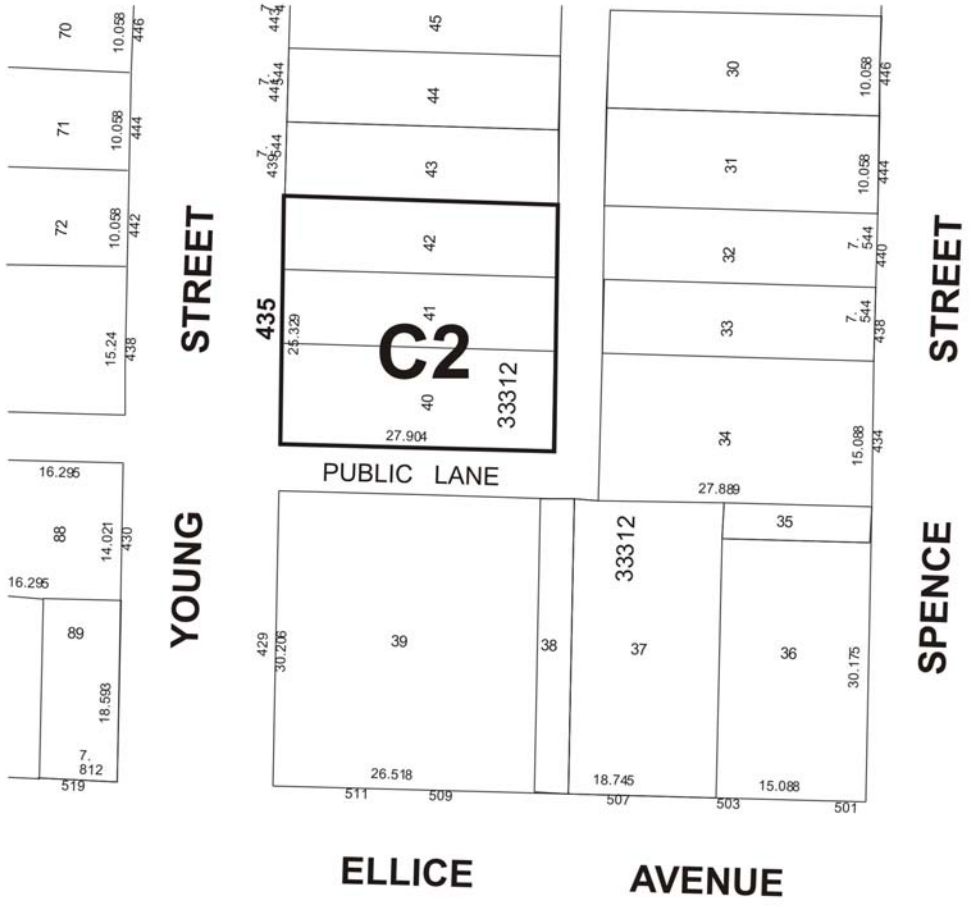
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 435 Young Street from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

Z23
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 229/05 dated October 24, 2005.