Agenda - Executive Policy Committee - November 29, 2006

Report - Standing Policy Committee on Property and Development - November 14, 2006

Item No. 6 Rezoning - 271 Provencher Boulevard
File DAZ 234/2006

STANDING COMMITTEE RECOMMENDATION:

On November 14, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel 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 234/2006 dated September 5, 2006, to a "C2" Commercial District.

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 (3) readings.

5. 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.

Agenda - Executive Policy Committee - November 29, 2006

Report - Standing Policy Committee on Property and Development - November 14, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 14, 2006, 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 September 19, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 271 Provencher Boulevard**
DAZ 234/2006 [c/r DAV 146359/2006D and DCU 146657/2006D

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

Prepared by: **Diane Timmins, A/Clerk,**
Riel Community Committee

Report date: **September 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2006, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 234/2006 dated September 5, 2006, to a "C2" Commercial District.

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 (3) readings.

5. 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 Planning and Land Use Division dated September 5, 2006.

PUBLIC HEARING SUMMARY

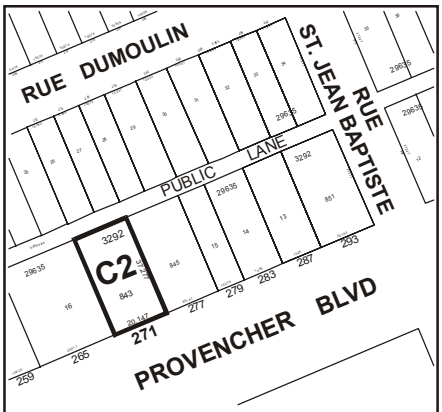
File: DAZ 234/2006 [c/r DAV 146359/2006D and DCU 146657/2006D

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

Public Hearing: September 19, 2006
Council Chamber
Council Building, 510 Main Street

Applicant: Sean Sam

Subject:



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APPLICANT : SEAN SAM
FILE: DAZ 234/06
PROPOSAL: To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : SEAN SAM
N° DE RÉFÉRENCE : DAZ 234/06
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 271 Provencher Boulevard

Exhibits Filed:

1. Application dated August 25, 2006
2. Notification of Public Hearing dated August 31, 2006
3. Manitoba Status of Title 1665480
4. Letter of authorization dated August 2, 2006 from Patricia Chapdelaine to Sean Sam and Walter Alleyne
5. Surveyor's Building Location Certificate and sketch dated July 6, 1992
6. Variance Order DAV 315/99C
7. Site Plan
8. Plans (4 pages)
9. Plans, Sheets 1 to 2 inclusive, for File DAZ 234/2006
10. Report from the Planning and Land Use Division dated September 5, 2006
11. Inspection Report
12. Renderings (8) of the proposed restaurant and cocktail lounge submitted at the public hearing by Sean Sam in support of the application

REPRESENTATIONS:

In Support:

Walter Alleyne
Georges Bohemier
Norm Gousseau
Dido Nyomba
Sean Sam
Robert Thomas

In Opposition

Nil

For Information:

Mr. & Mrs. Robert Fillion

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department
2070

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Sean Sam, the applicant, appeared in support of the application. Committee was advised the proposed rezoning was to allow for a fine dining upscale Caribbean restaurant with a cocktail lounge and a small bar. In this connection, Mr. Sam submitted renderings (8) of the proposed restaurant and cocktail lounge, filed as Exhibit 12, and gave an overview of the proposed development. Mr. Sam noted that on the second floor, a separate 957 sq. ft. apartment, on the opposite side of the upstairs dining room, would remain as a dwelling unit. In answer to Councillor Magnifico's question as to whether he would be agreeable to a restricted "C2" use of the property, Mr. Sam responded in the affirmative. In answer to Committee's question, the District Planner confirmed the accompanying variance applications, if approved and if there was no opposition, would allow the applicant to proceed prior to the rezoning of the subject property, but stated that the issuance of development permits was at the discretion of the Zoning Branch.

George Bohemier, also appearing in support of the application, stated he has been a long time resident of St. Boniface and expressed the view the proposed development will be an enhancement to the area, will blend in with the community and will be good for the long term goal of Provencher Boulevard.

Norm Gousseau, also appearing in support of the application, advised Committee of the fact that Mr. Sam currently operates a hair studio that is top notch and stated the opinion he expects that his restaurant will be of the same calibre, and will be a nice addition to the area. Mr. Gousseau confirmed that the restaurant and cocktail lounge were consistent with the vision Riel Entreprise had of Provencher Boulevard, and that the proposed development was consistent with the intent of the Secondary Plan.

Robert Thomas, also appearing in support of the application, advised Committee that he has been a chef in the restaurant industry for thirteen (13) years and that he is fully supportive of Mr. Sam's proposal.

Exhibit "10" referred to in File DAZ 234/2006 [c/r DAV 146359/2006D and DCU 146657/2006D]

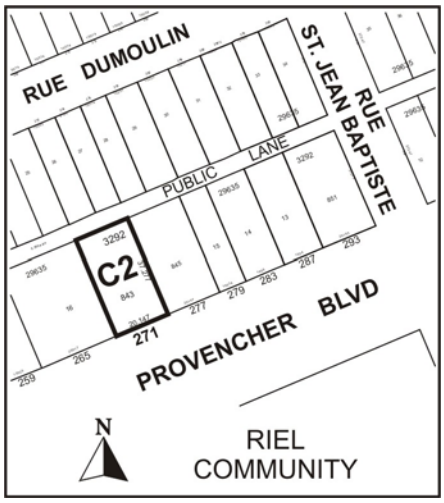
Winnipeg

Planning, Property and Development Department Report

To Riel Community Committee

Date: September 5, 2006
File: **DAZ 234/06**
Related Files: DAV 06-146359/D
DCU 06-146657/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM4" Multiple-Family District to a "C2" Commercial District.

Location: **271 Provencher Boulevard**
Legal Description: Lot 843, Plan 3292



Applicant: Sean Sam
Owner: Patricia Chapdelaine

Recommendation: *Approved, with conditions*

Site Description

The subject site is located along the north side of Provencher Boulevard between Rue St. Jean Baptiste and Rue Langevin. The site is approximately 8,084 square feet and is currently

developed with a 2-1/2-storey dwelling that has been operating as a restaurant and residence for the last few years. It is zoned "RM-4" Multiple-Family District. Neighbouring properties to the east, west and north are a mix of single-family dwellings and duplexes, with athletic fields across Provencher Boulevard to the south. Multiple-family and commercial uses are also in the vicinity.

The site is in the North St. Boniface neighbourhood of the St. Boniface ward and also falls within the North St. Boniface Secondary Plan area. The site was most recently home to the "Three Sisters Tea House" restaurant.



Figure 1: Aerial Photo (Flown, 2005)

Surrounding Land Use and Zoning

North: Public lane then single-family dwellings zoned "R1-5" Residential District

South: Provencher Boulevard then athletic fields zoned "PR1" Provencher District

East: Single-family dwellings zoned "RM-4" Residential District and "C1" Commercial District then Rue St. Jean Baptiste

West: Single-family and duplex dwellings zoned "RM-4" Residential District then Commercial uses and multiple-family building zoned "RM-6" Residential District



Figure 2: Surrounding Zoning

Background

DAV 315/99C

This use variance approved a restaurant use in an existing residential building including no additional parking spaces instead of 9 spaces and no off street loading space. At that time, the Board of Adjustment added the following conditions to approval:

- the maximum seating capacity was limited to fifty (50)
- the restaurant was restricted to the main floor space, plus 500 square feet on the second floor
- hours of operation between 8:00 a.m. and 9:00 p.m. daily
- the restaurant be maintained as a non-alcohol dining facility
- ornamental wood light proof fencing installed
- residential character shall be maintained

Description of the Proposed Development

Site plans indicate that the applicant is proposing to establish a 60-seat restaurant and cocktail lounge use at the subject site. The applicant is proposing to use the main floor and a portion of the second floor for the restaurant use. The cocktail lounge use will be approximately 170

square feet of the main floor. Approximately 1,500 square feet of the basement will be used for storage, an office and a general staff area. The remainder of the second floor (approximately 957 square feet) will remain a two-bedroom apartment. Site plans indicate that ten parking stalls are provided at the rear of the property. All other parking will be provided through on street parking along Provencher Boulevard.

In addition to this rezoning, the applicant also requires conditional use approval to maintain the existing dwelling unit and the establishment of a cocktail lounge in conjunction with a restaurant (DCU 06-146657/D) and variance approval for a use variance, maintenance of an existing building, side yards, no additional parking and no off street loading (DAV 06-146359/D).

Analysis

The proposed rezoning is required to accommodate a restaurant and cocktail use at the subject site.

Plan Winnipeg Compliance

The subject site is designated as Neighbourhood Policy Area in *Plan Winnipeg 2020 Vision.* This area promotes a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses at a scale and density compatible with each other.

- Plan Winnipeg policy *3B-01 Promote Vibrant Neighbourhoods* encourages new and existing developments with a variety of compatible mixed uses are promoted.
- Plan Winnipeg Policy *3B-04 Accommodate Commercial and Retail Development* discusses supporting neighbourhood main streets with a wide range of local services that enhance neighbourhood character while providing incremental expansion of commercial uses consistent with the general character of the adjacent neighbourhood.

Secondary Plans

The site also falls within the North St. Boniface Secondary Plan area. The site falls within the Commercial Policy Area of this secondary plan, which encourages vibrant, pedestrian-oriented concentrations of retail, service, restaurant, entertainment and cultural developments along Provencher Boulevard.

Zoning

The "C2" Commercial District is intended to regulate more intense commercial sites that do not have a local or neighbourhood orientation. This zoning appears appropriate along this portion of Provencher Boulevard.

Compatibility with existing neighbourhood and surrounding uses

The proposed use appears to be compatible with the existing neighbourhood and surrounding uses. This area contains a mix of residential densities, commercial uses and recreational uses that surround the subject site. The introduction of a cocktail lounge, in conjunction with the re-introduction of a restaurant use appears to be compatible with the surrounding context.

Recommendation
In the context of Section 247(3), the Planning and Land Use Division recommends **approval** for the following reasons:

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

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 234/06, attached hereto and dated September 5, 2006, to an "C2" Commercial District.

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 (3) readings.

V. 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: A. Clark
PPD File # DAZ 234/06

Schedule "A"

By-Law No. _____

File No. **DAZ 234/06**

Atlas Sheet No.

N

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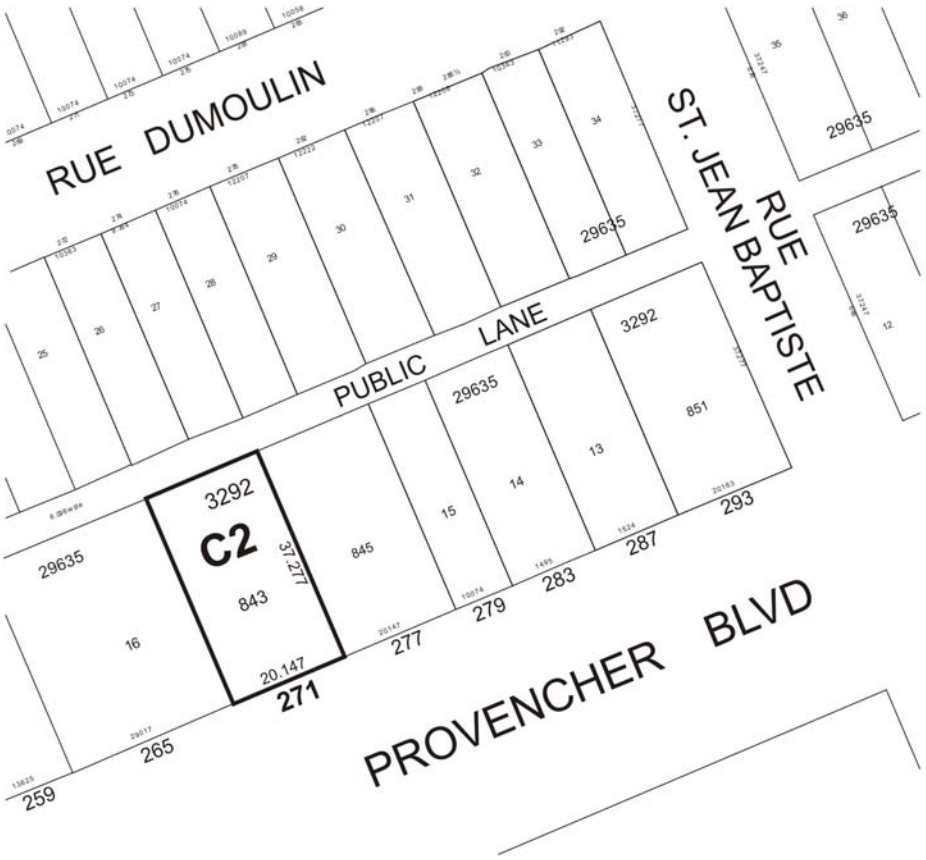
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 271 Provencher Boulevard from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to Riel Community Committee for file # DAZ 234/06 dated September 5, 2006.