Agenda - Standing Policy Committee on Downtown Development - April 30, 2007

PUBLIC HEARINGS

Item No. 1 **Appeal - Downtown Winnipeg Zoning By-law No. 100/2004 - 304 Fort Street**
File EZ-DAZ(32) [c/r DCU 114715/2007B]

Michel Fillion has submitted undated communication and appealed Order DCU 114715/2007B dated March 7, 2007, issued by the Director of Planning, Property and Development Department, regarding provisions of The Downtown Winnipeg Zoning By-law No. 100/2004 for the premises located at 304 Fort Street.

The Order stated:

That to permit the establishment of a dating and escort service in an existing commercial building is APPROVED on "the land", subject to the following condition(s) which the Director of Planning, Property and Development Department considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1. That if any Conditional Use granted by this Order is not established within two years of the date hereof, this Order, in respect of that Conditional Use, shall terminate.

2. That there shall be no customers attending the business on-site.

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Order Number: DCU 114715/2007B

Appellant: White House on Portage Ltd. (Michel Fillion)

Premises Affected: 304 Fort Street

Exhibits Filed:

1. Order DCU 114715/2007B dated March 7, 2007, issued by the Director of Planning, Property and Development Department
2. Notice of Appeal filed by Michel Fillion received March 21, 2007
3. Notification of Public Hearing dated April 16, 2007
4. Manitoba Status of Title 1842247
5. Letter of authorization from Thunderchild Investments Ltd. to Carole Ross, on behalf of Exclusively Carmelas dated March 2, 2007
6. License Order LA 115073/2007
7. Confirmation from the Zoning Development Administrator that the subject property may be posted in substitution for newspaper advertising
8. Plans, Sheets 1 to 2 inclusive for File EZ-DAZ [c/r DCU 114715/2007B] dated March 2, 2007 and March 5, 2007
9. Report from Planning and Land Use Division dated April 18, 2007
10. Inspection Report

REPRESENTATIONS:

In Support of Appeal:

In Opposition to Appeal:

For Information on Appeal:

For the City:

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE DECISION:

On April 16, 2007, the City Centre Community Committee approved a Dating and Escort Service License for Carole Ross o/a Exclusively Carmela's, subject to the following condition:

1. Approval of Conditional Use Order DCU 114715/2007B.

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the Appeal be allowed / allowed in part / denied and the decision / Order DCU 114715/2007B issued by the Director of Planning, Property and Development Department, be confirmed / cancelled.

Moved by Councillor

That the public hearing with respect to this appeal be concluded.

Exhibit "9" referred to in File EZ-DAZ(32) [c/r DCU 114715/2007B]

RE: Background Report for Conditional Use Application and Appeal – DCU 07-114715/B (304 Fort Street)

FOR SUBMISSION TO: Standing Policy Committee on Downtown Development

ORIGINAL REPORT SIGNED BY: A/Director of Planning, Property and Development

REPORT DATE: April 18, 2007

RECOMMENDATION:

That the application for DCU 07-114715/B for a conditional use under the Downtown Zoning By-Law No. 100/2004 to permit the establishment of an dating and escort service be approved subject to the following conditions:

1. That if any Conditional Use granted by this Order is not established within two years of the date hereof, this Order, in respect of that Conditional Use, shall terminate.
2. That there shall be no customers attending the business on-site.

Report Summary

Key Issues:

- A conditional use should be compatible with City Policy, not cause any adverse effect on adjacent properties and be compatible with the surrounding area.

Implications of the Recommendation(s):

General Implications

( ) None

( ) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

In the opinion of the Administration, the dating and escort service use should be approved as recommended.

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:
The Standing Policy Committee on Downtown Development is delegated the authority to hear and decide on appeals from Administrative decisions on Conditional Use Applications in Downtown Winnipeg.

HISTORY:
Ms. Carole Ross applied for a conditional use to permit the establishment of a dating and escort service in a basement office space at 304 Fort Street. The building is used for several commercial and office uses, including the Fort Street Clinic and Barnes & Duncan Land Surveys.

This conditional use order was issued by the Director in support of the application, but the use is being appealed by an adjacent property owner.

DISCUSSION:
The Planning, Property and Development Department has reviewed the Conditional Use Application and is of the opinion that the proposed development is suitable for the subject property and will not have a detrimental impact on the surrounding neighbourhood.

Site Description:
The proposed site is located in an office building on Fort Street near the corner of Portage Avenue. It is primarily a commercial street, with smaller businesses and office buildings extending from Assiniboine to Portage Avenue. The building is located in the Multiple-Use Sector. The intent of the Multiple-Use Sector is to encourage a range of uses, sites, activities and buildings typical to a diverse and vibrant central business district. This sector demonstrates a diversity of uses, including: office, retail, services, restaurants, entertainment opportunities, public institutions, multiple family residential and offstreet parking facilities.

Surrounding Land Use and Zoning:

North: *Vendome Hotel and Bleachers Restaurant*
South: *Orpheum Billiards*
East: *The offices and shops of Winnipeg Square*
West: Garry Street parkade

Analysis and Issues:
There are currently six licensed Dating and Escort companies in the City of Winnipeg. Five of these businesses are located next door in the Vendome Hotel and the remaining licensed service is located at 300 Fort Street, in the same building as the proposed applicant.

Dating and escort services are restricted through the License By-Law No. 6551/95, which limits this type of service to the downtown:

> 14(b) New licenses may be issued to carry on the trade of a dating and escort service or massage parlour proprietor only within that part of the City regulated by The Downtown Winnipeg Zoning By-law.

In turn, the Downtown Zoning By-Law 100/2004 has further restricted their use by making them conditional and limiting them to only two sectors, the Multiple-Use and the Character Sector.

Therefore, owners of these businesses are limited to where they can operate. As office space is expensive in the downtown, and there are no employees on site, small rooms with inexpensive rents are sought after. In this case, the applicant is having space renovated in the basement of an existing office building, and will occupy only one room.

Under the old Downtown Winnipeg Zoning By-Law 4800/88, dating and escort services fell under office use; consequently no conditional use application was required. However, under the new Downtown Zoning By-Law 100/2004, a dating and escort service use was made conditional, thus requiring a conditional use application in the Multiple-Use Sector. Most of the existing dating and escort services were approved before the new by-law, although two were approved more recently in May 2006 and February 2007.

This type of business normally operates in a discrete manner; therefore it should have minimal impact on the other businesses in the vicinity. It is recommended that the dating and escort service use be approved.

Recommendation and Criteria:

In the context of Section 247(3), the Planning, Property and Development Department 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.

Reasons for Recommendations:

- The Planning, Property and Development Department (Downtown Planning Branch) has reviewed the proposed conditional use application and is of the

opinion that, subject to the stipulated conditions, the proposed dating and escort service is a compatible fit within the surrounding context.

Financial Impact Statement Date: April 10, 2007

Project Name:

Background Report for Conditional Use Application and Appeal –
DCU 07-114715/B (304 Fort Street)

COMMENTS:

The recommendation contained in this report is that the application for DCU 06-139505/B for a conditional use under the Downtown Zoning By-Law No. 100/2004 to permit the establishment of an dating and escort service be approved subject to the following conditions:

1. That if any Conditional Use granted by this Order is not established within two years of the date hereof, this Order, in respect of that Conditional Use, shall terminate.
2. That there shall be no customers attending the business on-site.

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

N/A

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development Department
Division: Planning and Land Use Division
Prepared by: Marsha Christiuk
PPD File No.: DCU 07-114715/B

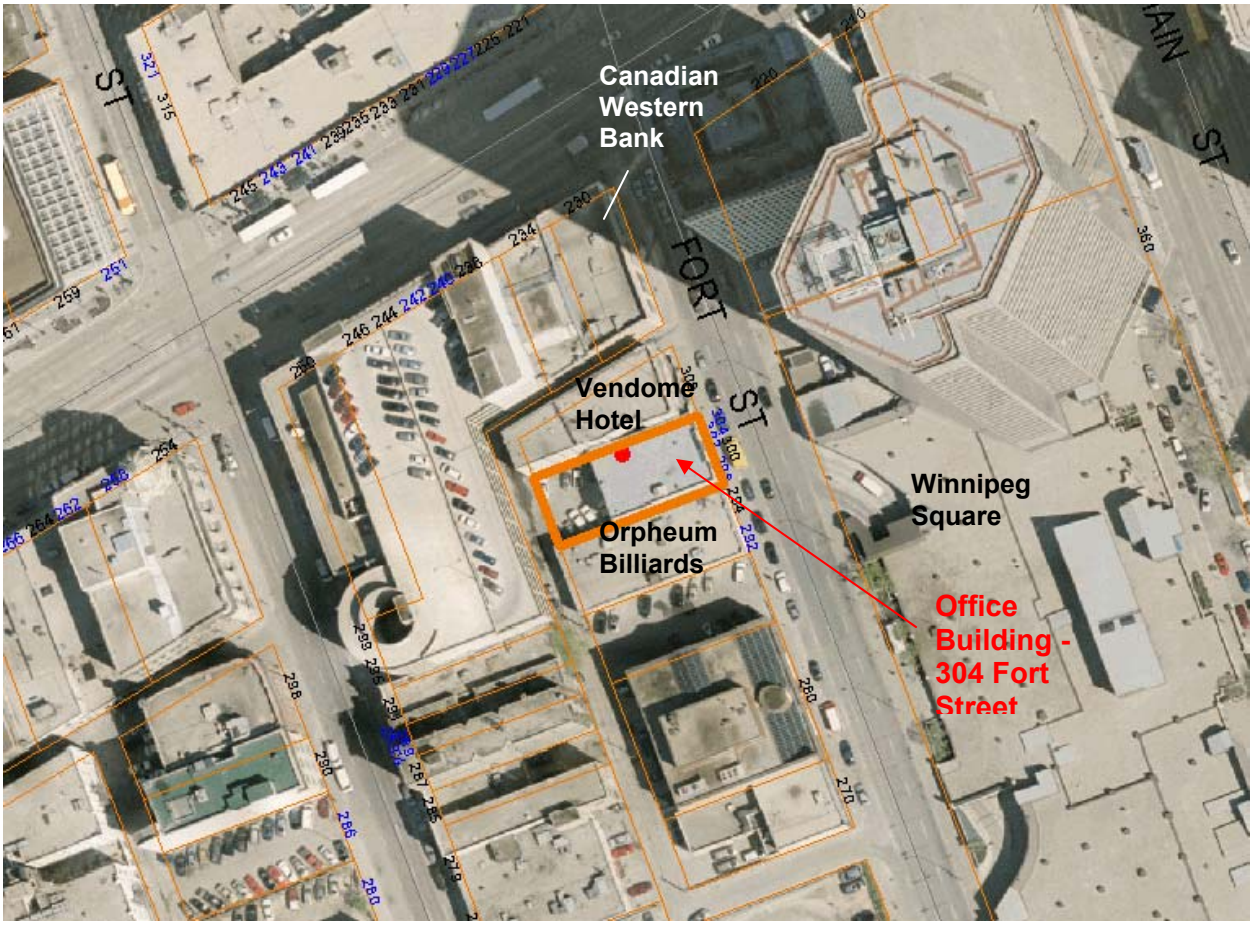

Figure 1 Aerial map showing 304 Fort Street, the location of proposed dating and escort service.



Figure 2 Streetscape showing location of proposed Dating and Escort service at 304 Fort Street.



Figure 3 Current basement office space for existing Dating and Escort Service at 304 Fort Street. If this application is approved, a similar office space will be