Minute No. 492
Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 5 Rezoning - 318 Anderson Avenue
File DAZ 205/2007

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and adopted the following:

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 205/2007 dated April 20, 2007, to a "C1" 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 only the following uses shall be permitted on the land:
         a Office
         b All uses permitted or conditional in the "R2" Residential District
      ii. That the building height shall not exceed 30 feet (9.144 metres).
      iii. That the front yard setback shall be a minimum of 20 feet (6.096 metres)
      iv. That the rear yard setback shall be a minimum of 25 feet (7.62 metres)
      v. That the lot coverage shall not exceed forty percent (40%)
      vi. That the east side yard shall be a minimum of 10 feet (3.048 metres)
      vii. That the following signage shall not be permitted:
         a Internally illuminated signage
         b Freestanding and fascia signage
         c Buntings
         d Advertising, mobile, poster, balloon, banner, A-frame, inflatable, electronic message centre, flashing, animated, and scintillating signs
      viii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – May 22, 2007

COUNCIL DECISION (continued):

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 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 twelve (12) 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 twelve (12) 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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 – May 22, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development, as amended by the following motion moved by Councillors Swandel and Vandal, be adopted by consent.

Moved by Councillor Swandel,
Seconded by Councillor Vandal,

WHEREAS Council, on June 20, 2007, will consider Item 5 of the Report of the Standing Policy Committee on Property and Development dated May 22, 2007, with respect to the rezoning of property known as 318 Anderson Avenue;

AND WHEREAS Recommendation 1.A.vi. of Item 5 provides for a minimum west side yard of 10 feet (3.048 metres);

AND WHEREAS the recommendation should have made reference to a minimum east side yard rather a west side yard;

THEREFORE BE IT RESOLVED THAT Item 5 of the Report of the Standing Policy Committee on Property and Development dated May 22, 2007, be amended as follows:

1. That the word "west" in Recommendation 1.A.vi. be deleted and the word "east" substituted therefore.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

Report - Standing Policy Committee on Property and Development – May 22, 2007

DECISION MAKING HISTORY (continued)

STANDING COMMITTEE RECOMMENDATION:

On May 22, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 318 Anderson Avenue**
File DAZ 205/2007 [c/r DAV 116307/2007D]

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the revised 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 205/2007 dated April 20, 2007, to a "C1" 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. The only the following uses shall be permitted on the land:
            a Office
            b All uses permitted or conditional in the "R2" Residential District
        ii. That the building height shall not exceed 30 feet (9.144 metres).
        iii. That the front yard setback shall be a minimum of 20 feet (6.096 metres)
        iv. That the rear yard setback shall be a minimum of 25 feet (7.62 metres)
        v. That the lot coverage shall not exceed forty percent (40%)
        vi. That the west side yard shall be a minimum of 10 feet (3.048 metres)
        vii. That the following signage shall not be permitted:
            a. Internally illuminated signage
            b. Freestanding and fascia signage
            c. Buntings
            d. Advertising, mobile, poster, balloon, banner, A-frame, inflatable, electronic message centre, flashing, animated, and scintillating signs

viii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 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 twelve (12) 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 twelve (12) 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the revised report from the Planning and Land Use Division dated April 20, 2007.

PUBLIC HEARING SUMMARY

File: DAZ 205/2007 [c/r DAV 116307/2007D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko

Public Hearing: April 24, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Andrew Wach Architects (Andrew Wach)

Subject:



Premises Affected: 318 Anderson Avenue

Exhibits Filed:

1. Application dated March 15, 2007
2. Notification of Public Hearing dated April 5, 2007
3. Manitoba Status of Title 2149893
4. Letter of authorization dated March 13, 2007 from Ma Mawi Wi Chi Itata Centre to Andrew Wach Architects
5. Drawing of the subject property
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated April 17, 2007
8. Revised report from the Planning and Land Use Division dated April 20, 2007
9. Inspection Report
10. Seven (7) letters of support, submitted by Andrew Wach at the public hearing, from the following persons, namely:
    a. John and Roberta Haney
    b. Jeanette Robertson
    c. Phil Chiappetta, on behalf of Rossbrook House
    d. Dilly Knol, on behalf of Andrews Street Family Centre
    e. Sonia Prevost-Derbecker, on behalf of Ndinawemaaganag Endaawaad Inc.
    f. Lucille Bruce, on behalf of Native Women's Transition Centre Inc.
    g. Sharon Redsky, on behalf of Whaka Pimadiziiwii Pinaysiiwigamic

REPRESENTATIONS:

In Support:
Andrew Wach, Andrew Wach Architects
Lucille Bruce, on behalf of Native Women's Transition Centre Inc.
Phil Chiappetta, on behalf of Rossbrook House
Sonia Prevost-Derbecker, on behalf of Ndinawemaaganag Endaawaad Inc.
John and Roberta Haney
Josie Hill
Dilly Knol, on behalf of Andrews Street Family Centre
Sharon Redsky, on behalf of Whaka Pimadiziiwii Pinaysiiwigamic
Jeanette Robertson

In Opposition
Nil

For the City:
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Andrew Wach, Andrew Wach Architects, appeared in support of the application and indicated concurrence in the recommendations outlined in the revised report from the Planning and Land Use Division. Mr. Wach submitted seven (7) letters in support of the proposed development.

Exhibit "8" referred to in File DAZ 205/2007 [c/r DAV 116307/2007D]

Winnipeg

Planning, Property and Development Department Report

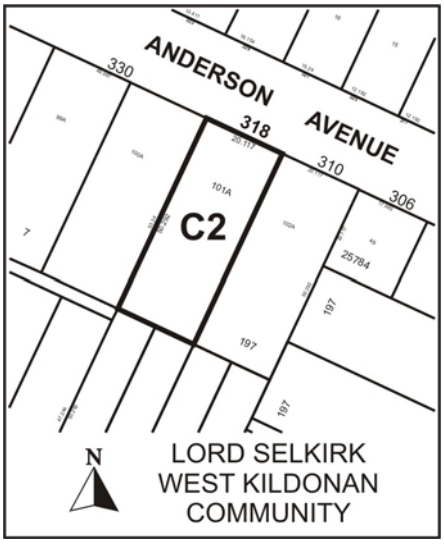
To the Lord Selkirk-West Kildonan Community Committee

REVISED

Date: **April 20, 2007**
File: **DAZ 205/2007**
Related Files: **DAV 07-116307/D**

Subject: **Application to rezone the subject property from an "R2" Residential District to a "C2" Commercial District to permit the maintenance and expansion of an existing office and drop-in centre**

Location: **318 Anderson Avenue**



Applicant: **Andrew Wach**
Owner: **Ma Mawi Wi Chi Itata Centre Inc.**

Recommendation: ***Approval, with modifications***

Report Summary:
- Ma Mawi Itata Centre operates a family resource centre at the subject location
- The use was first approved under a five year use variance (DAV 952/98C), which expired in 2003
- The use has operated without incident since first approved
- A small addition at the rear of the building is proposed at this time
- The Planning and Land Use Division recommends approval, with modifications

Site Description
The subject property, which is currently zoned "R2" Residential, is located on Anderson Street, between Charles and Aikins Streets, in the St. John's neighbourhood of the Mynarski ward.

North: Residences zoned "R2" Two-Family Residential
South: Residences zoned "R2" Two-Family Residential
East: Residences zoned "R2" Two-Family Residential
West: Multiple-family building zoned "R2" Two-Family Residential

Background

DAV 952/98C – The Board of Adjustment granted approval of a five year use variance to permit the establishment of an office use at the subject location. This use variance expired on December 31, 2003

DCU 94/95C – The Board of Adjustment granted approval of a conditional use to permit the establishment of a shelter house at the subject location.

Description of the Proposed Development
At this time, Ma Mawi Itata Centre is proposing a modest addition to the rear of their existing building.

The building is currently used as a community outreach centre, which provides community based education, job placement workshops, personal development classes, parenting classes, library materials, and computer access.

The Centre has operated in this manner since 1998, when it was granted a use variance by the City. In light of the fact that the use variance is expired, the Centre requires a rezoning in order to remain at this location.

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Use
The subject building is well maintained, in character with the area, and has coexisted with the neighbourhood for some time. Given their track record and in light of the important services that they provide to the neighbourhood, the Planning and Land Use Division believes that they should be permitted to stay at the current location.

At the same time, it must be recognized that the subject property is located in a residential area. In light of this, conditions are being included to restrict uses and to manage building form in order to alleviate any future incompatibilities with the surrounding residential neighbourhood.

Zoning
The applicant is requesting a zoning to "C2" Commercial. However, "C2" Commercial is reserved for very intense commercial uses on regional commercial streets. The Planning and Land Use Division believes that "C1" Commercial is more appropriate at this location.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The subject use has operated without incident for some time
- The facility provides important services to the community
- Conditions are being included to restrict use and manage building form to alleviate future incompatibilities with the surrounding residential neighbourhood

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2007 dated April 20, 2007, to a "C1" 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. The only the following uses shall be permitted on the land:
         a. Office
         b. All uses permitted or conditional in the "R2" Residential District
      ii. That the building height shall not exceed 30 feet (9.144 metres).
      iii. That the front yard setback shall be a minimum of 20 feet (6.096 metres)
      iv. That the rear yard setback shall be a minimum of 25 feet (7.62 metres)
      v. That the lot coverage shall not exceed forty percent (40%)
      vi. That the west side yard shall be a minimum of 10 feet (3.048 metres)
      vii. That the following signage shall not be permitted
         a. Internally illuminated signage
         b. Freestanding and fascia signage
         c. Buntings
         d. Advertising, mobile, poster, balloon, banner, A-frame, inflatable, electronic message centre, flashing, animated, and scintillating signs
      viii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 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 twelve (12) 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 twelve (12) 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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: Michael Robinson, AICP
PPD File # DAZ 205/2007

Schedule "A"

Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 205/2007, dated April 20, 2007.

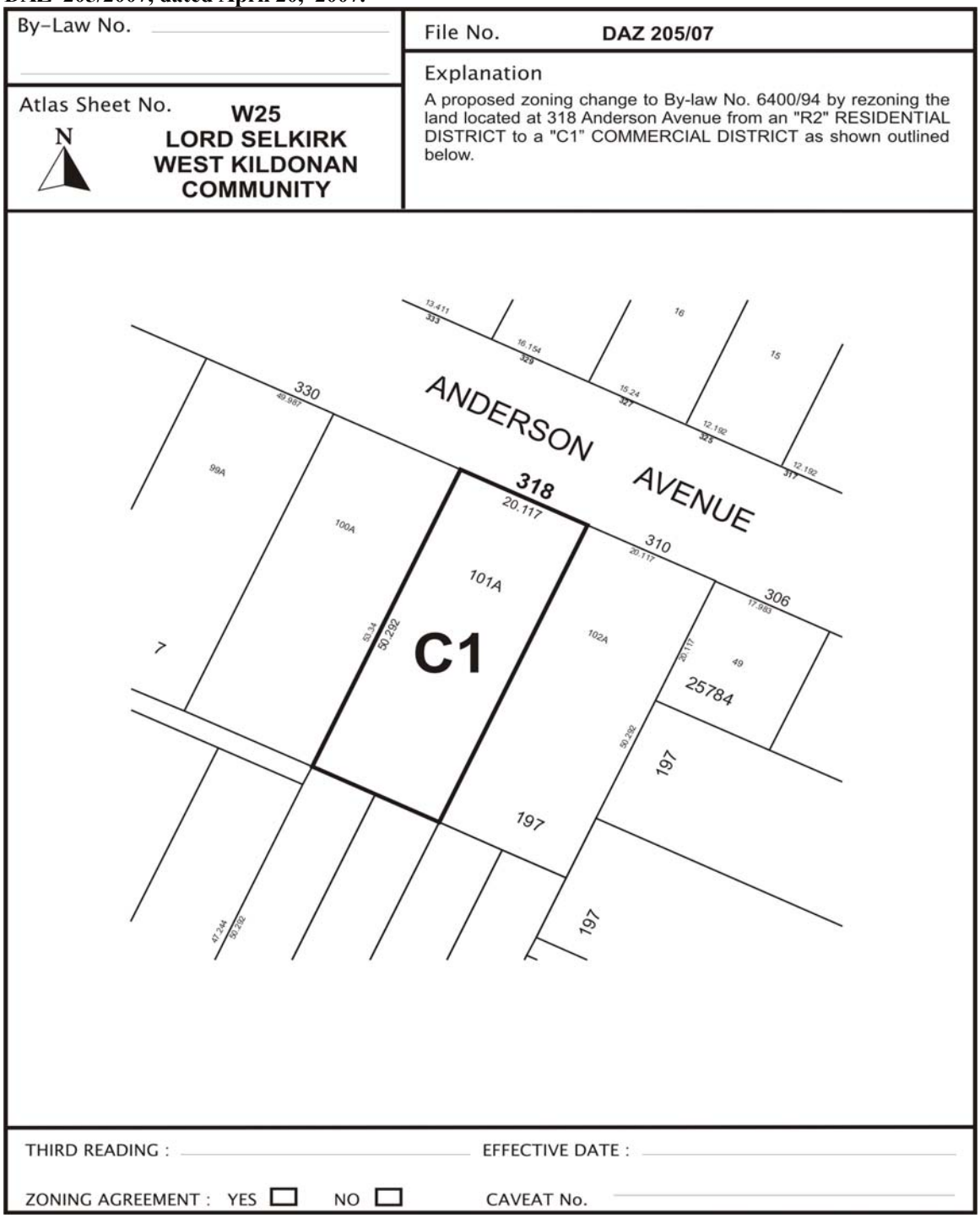




Figure 1: Aerial Photo (Flown in 2005)

Exhibit "7" referred to in File DAZ 205/2007 [c/r DAV 116307/2007D]

Winnipeg

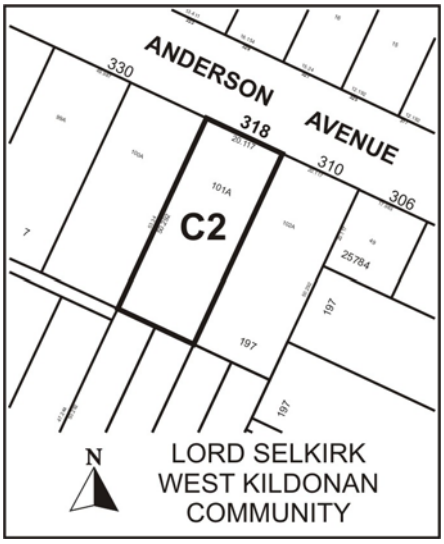
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **April 17, 2007**
File: **DAZ 205/2007**
Related Files: **DAV 07-116307/D**

Subject: **Application to rezone the subject property from an "R2" Residential District to a "C2" Commercial District to permit the maintenance and expansion of an existing office and drop-in centre**

Location: **318 Anderson Avenue**



Applicant: **Andrew Wach**
Owner: **Ma Mawi Wi Chi Itata Centre Inc.**

Recommendation: ***Approval***

Report Summary:
- Ma Mawi Itata Centre operates a family resource centre at the subject location
- The use was first approved under a five year use variance (DAV 952/98C), which expired in 2003
- The use has operated without incident since first approved
- A small addition at the rear of the building is proposed at this time
- The Planning and Land Use Division recommends approval

Site Description
The subject property, which is currently zoned "R2" Residential, is located on Anderson Street, between Charles and Aikins Streets, in the St. John's neighbourhood of the Mynarski ward.

North: Residences zoned "R2" Two-Family Residential
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East: Residences zoned "R2" Two-Family Residential
West: Multiple-family building zoned "R2" Two-Family Residential

Background

DAV 952/98C – The Board of Adjustment granted approval of a five year use variance to permit the establishment of an office use at the subject location. This use variance expired on December 31, 2003

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Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Use
The subject building is well maintained, in character with the area, and has coexisted with the neighbourhood for some time. Given their track record and in light of the important services that they provide to the neighbourhood, the Planning and Land Use Division believes that they should be permitted to stay at the current location.

At the same time, it must be recognized that the subject property is located in a residential area. In light of this, conditions are being included to restrict uses and to manage building form in order to alleviate any future incompatibilities with the surrounding residential neighbourhood.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The subject use has operated without incident for some time
- The facility provides important services to the community
- Conditions are being included to restrict use and manage building form to alleviate future incompatibilities with the surrounding residential neighbourhood

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2007 dated April 17, 2007, to a "C2" Commercial District, subject to the following

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

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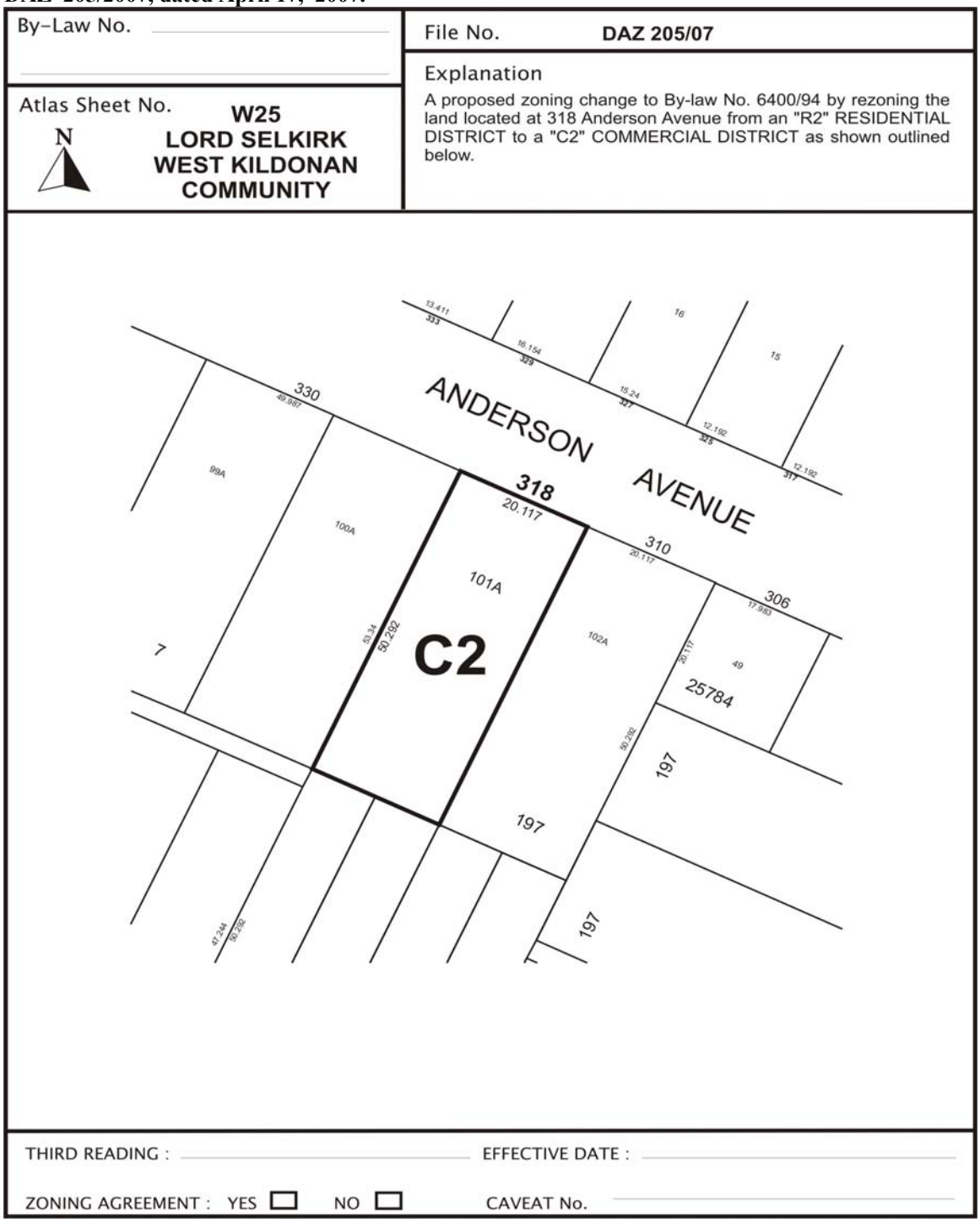
This Report Submitted by: Planning, Property and Development Department,
Planning and Land Use Division, Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 205/2007

Schedule "A"

Figure 2: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 205/2007, dated April 17, 2007.





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