Report - Executive Policy Committee - January 30, 2008

Item No. 4 Rezoning - 800 Adele Avenue
(Daniel McIntyre Ward)
File DAZ 233/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 30, 2008, the Executive Policy Committee concurred in the recommendation of 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 233/2007 dated January 7, 2008, 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 the following uses shall be prohibited from the land:
            a. assisted living facility,
            b. single room occupancy,
            c. post office / carrier depot,
            d. protection and emergency services,
            e. social service facility,
            f. gallery/museum,
            g. hostel,
            h. hotel or motel,
            i. animal hospital or veterinary clinic,
            j. kennel,
            k. restaurant,
            l. personal services,
            m. medical/dental/optical/counseling clinic,
            n. retail sales,
            o. transit station,
            p. wireless communication – building-mounted tower,
            q. contractor's establishment,
            r. amusement devices,
            s. automated teller machine,
            t. caretaker's residence,
            u. day care as an accessory use,

v. micro-brewery/distillery/winery,
w. office/service area or building as an accessory use and
x. outdoor dining/drinking area.

ii That the following uses shall be allowed on the land as conditional uses:
a. office with a net floor area (the total area of the interior floor area of all office space) greater than 2,500 square feet,
b. neighbourhood rehabilitation home,
c. library and
d. day care centre.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv. 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 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.

Report - Executive Policy Committee - January 30, 2008

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 twenty-four (24) 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 - Executive Policy Committee - January 30, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 30, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 800 Adele Avenue**
File DAZ 233/2007 [c/r DAV 157781/2007D]

For submission to: **The Executive Policy Committee**

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

Report date: **January 17, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

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 233/2007 dated January 7, 2008, 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 the following uses shall be prohibited from the land:

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            j. kennel,
            k. restaurant,
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            p. wireless communication – building-mounted tower,
            q. contractor's establishment,
            r. amusement devices,
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u. day care as an accessory use,
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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 twenty-four (24) 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is good for the community.

2. No objections were registered against the proposal.

PUBLIC HEARING SUMMARY

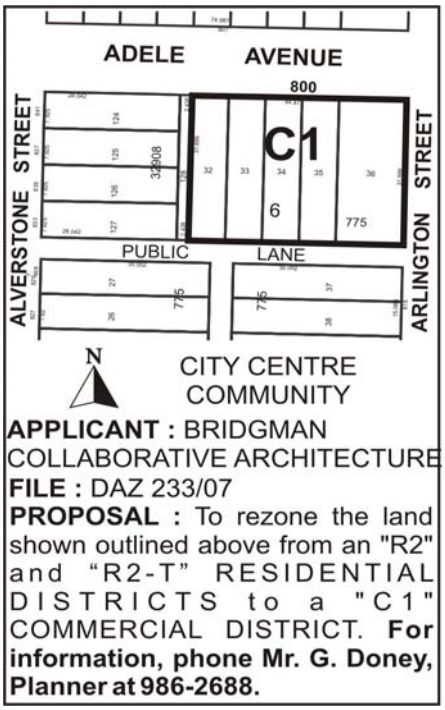
File: DAZ 233/2007 [c/r DAV 157781/2007D]

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

Public Hearing: January 15, 2008
Council Chamber
Council Building, 510 Main Street

Applicant: Bridgman Collaborative Architecture Ltd.
(Melissa Sarrasin)

Subject:



Premises Affected: 800 Adele Avenue

Exhibits Filed:
1. Application dated November 8, 2007
2. Notification of Public Hearing dated November 15, 2007
3. Manitoba Status of Titles 2250110, 2250111, 2250112, and 2250013

4. Letter of authorization dated October 22, 2007, from 5185603 Manitoba Ltd. to Bridgman Collaborative Architecture Ltd.
5. Surveyor's Building Location Certificate and sketch dated August 28, 2007
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated January 7, 2008
8. Inspection Report

REPRESENTATIONS:

In Support:

Michael Robertson
Melissa Sarrasin, Bridgman Collaborative Architecture Ltd.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No verbal representation was made at the public hearing.

Exhibit "7" referred to in File DAZ 233/2007 [c/r DAV 157781/2007D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	**January 7, 2008**
File:	**DAZ 233/2007**
Related Files:	**DCU 07-157873/C, DAV 07-157781D**
Subject:	**to rezone property from "R2" District and "R2T" Transitional District to "C1" Commercial District to allow for the establishment of an office use**
Location:	**800 Adele Avenue, Daniel Mcintyre Neighbourhood, Daniel Mcintyre Ward**
Legal Description:	**Lots 32 to 36, Block 6, Plan 775**
Applicant:	**Bridgman Collaborative Architecture – Melissa Sarrasin**
Owner:	**5185603 Manitoba Ltd.**
Recommendation:	**approval with conditions**



Report Summary:

- The proposed shelter and office uses would be at a scale and density that is compatible with the neighbourhood and nearby uses.
- Given that the proposal site is adjacent to Arlington Street, which is a regional street, motor-vehicle traffic to and from the proposed shelter and office uses would not likely affect other residential streets.
- The insufficient supply of on-site parking spaces is off-set somewhat by the proximity of Winnipeg Transit bus routes;

and, opportunities exist to investigate whether off-site parking can be provided at nearby parcels.

- The application to vary the zoning by-law requirements is reasonable given that the building exists and that the variance for the proposed addition is not out-of-context with the neighbourhood.
- A zoning agreement can be entered into to prevent non-compatible uses from establishing on the proposal site.
- Any future redevelopment of the proposal site that may occur can be reviewed in terms of its compatibility with the largely residential nature of the immediate vicinity of the proposal site.



Figure 1: Proposal Site Location and Land Use in the Vicinity

Site Description

- The proposal site is at the southwest corner of Adele Avenue and Arlington Street, as shown in Figure 1, and is in the Daniel McIntyre Neighbourhood of the Daniel McIntyre Ward.
- It is approximately 15,174 square feet and, according to the applicant, has not been in use since August 2007.
- The prior use of the site was a convent that included, as accessory uses, offices, residences and a chapel.
- A building, consisting of a three-storey portion, a two-storey portion and an attached four-car garage is on the site, shown in Figures 3 and 4.
- As shown in Figure 1: north of the proposal site is a place of worship and a school; and east, south and west of the proposal site are residential uses.
- The proposal site is partly in an "R2" Two-Family District and partly in an "R2-T" Two-Family Transitional District as per Zoning By-law 6400/94.
- In the vicinity of the proposal site: parcels fronting on Alderstone Street and west are in an "R2" Two-Family District; parcels fronting on Arlington Street and east are in an "R2-T" Two-Family Transitional District; and parcels fronting on both Arlington and Alderstone Streets are in both of the aforementioned districts.



Figure 2: looking at north/front and west-side of existing bldgs., Dec. '07 photo



Figure 3: looking at south/back and east-side of existing bldgs., Dec. '07 photo

Background

The proposal is to develop a shelter in Phase 1 and an office use with existing accessory parking in Phase 2. Conditional use application File DCU 07-157873/C only dealt with Phase 1 – the establishment of a shelter use. This application was approved by the Board of Adjustment on December 5, 2007 on the conditions that: there shall be no more than ten (10) children residing at the shelter; and if any development granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Conditional Use, shall terminate.

The reason for dividing the proposal into two phases and having the Board of Adjustment consider Phase1 is to expedite the decision-making process with-respect-to the proposed shelter.

Phase 1 includes the provision of:

- culturally supportive intervention, assessment, transition, advocacy and support services to children residing at the shelter;
- a co-ed residential component for a maximum of five children ages seven to 12 and a maximum of five children ages 13 to 17, beginning in 2008; and
- a continuum of services to children residing at the shelter.

Phase 2 – the establishment of an office use with accessory parking, is being dealt with by the City Centre Community Committee under rezoning application File DAZ 233/07 and variance application File DAV 07-157781.

Description of the Proposed Development

Phase 2 is to provide the aforementioned services as a day, non-residential, treatment program for children and their families. These services are to be provided Monday to Friday, from 8:30 a.m. to 4:30 p.m. to children, families and communities of multi-cultural backgrounds in Manitoba. Approximately 24 people, three of which would reside at the facility, would provide services to children in residence and to others.

Development of Phase 2 is to include:

- approximately 2,400 square feet of net office space (the total of the interior floor area of all the offices) in 14 offices;
- an addition that provides a wheelchair accessible entrance; and
- an outdoor play area.

Analysis

Plan Winnipeg

The proposal conforms to *Plan Winnipeg 2020 Vision*, which indicates on Policy Plate "A", Land Use that the proposal site is in a neighbourhood policy area.

Compatibility with the Neighbourhood and Existing Land Uses

As shown in plans (Sheet Nos. A0, A, A2, A3, A4 and A5) submitted by the applicants that show Phase 1, the proposed shelter use, as well as Phase 2, the proposed offices, the proposed shelter and office uses would be at a scale and density that is compatible with the neighbourhood and nearby uses. Also, given that the proposal site is adjacent to Arlington Street, which is a regional street, motor-vehicle traffic to and from the proposed shelter and office uses would not likely affect other residential streets.

Site Access/Egress and Transportation

The proposal site is easily accessed because: it is adjacent to Arlington Street, which is a regional street; and it is adjacent to two Winnipeg Transit bus routes on Arlington Street and is near other bus routes on Notre Dame and Sargent Avenues.

Application to Vary Zoning By-law 6400/94 Requirements

A variance application has been made under File DAV 07-157781 as follows:

- for a change of use, for a period not to exceed five years, to permit the establishment of an office use;
- to permit no additional parking spaces for the office use instead of three additional spaces; and
- for the maintenance of an existing commercial building and the construction of an addition to permit
    - a rear yard of 4.1 feet instead of 25 feet,
    - a front yard of six feet instead of 20 feet,
    - a height of 43 feet instead of 30 feet and
    - a floor-area-ratio of 1.32 instead of 1.

The use variance is to facilitate the establishment of the office use prior to the proposal site being rezoned.

The insufficient supply of on-site parking spaces is off-set somewhat by the proximity of Winnipeg Transit bus routes. And, opportunities exist to investigate whether off-site parking can be provided at nearby parcels.

Except for the front yard variance, which is to accommodate the proposed addition, the others are for the existing building. These variances are reasonable given that the building is existing and that the variance for the proposed addition is not out-of-context with the neighbourhood.

Public Input

The document *Ahsanook: (Asafeplacewithinourjourney), Report on the Public Consultation Meeting, First Nations of Southern Manitoba Child and Family Services Authority* states that:

- the applicant held a public consultation meeting on November 13, 2007;
- people living within a block of the proposal site were invited to the meeting, as recommended by the Planning and Land Use Division of the Planning, Property and Development Department;
- approximately 40 people attended the meeting;
- Appendix C and D of the document contain two letters of support for "the project being proposed" and "the proposed safe shelter";
- Appendix D contains a letter from a resident living near an existing facility similar to this proposal (Anderson House on Greenwood Place), stating that Anderson House has not been a factor in the lives of his wife and himself;
- Appendix A, the invitation to the public consultation meeting, states that: children are expected to reside at the facility for 30 to 90 days; and the proposed use would include "a day treatment component for children and their families"; and

- 40 people signed a petition stating that: they have reviewed the plans; they understand the nature of the application; and they are "in support / do not object" to the application.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning for the following reasons:

- The proposed shelter and office uses would be at a scale and density that is compatible with the neighbourhood and nearby uses.
- Given that the proposal site is adjacent to Arlington Street, which is a regional street, motor-vehicle traffic to and from the proposed shelter and office uses would not likely affect other residential streets.
- The insufficient supply of on-site parking spaces is off-set somewhat by the proximity of Winnipeg Transit bus routes; and, opportunities exist to investigate whether off-site parking can be provided at nearby parcels.
- The application to vary the zoning by-law requirements is reasonable given that the building exists and that the variance for the proposed addition is not out-of-context with the neighbourhood.
- A zoning agreement can be entered into that would prevent non-compatible uses from establishing on the proposal site.
- Any future redevelopment of the proposal site that may occur can be reviewed in terms of its compatibility with the largely residential nature of the immediate vicinity of the proposal site.

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 233/2007 dated January 7, 2008, to a "C1" Commercial District, subject to the following:

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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 twenty-four (24) months after adoption of the report by

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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.

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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: J. Glen Doney
PPD File DAZ 233/2007

Schedule "A"

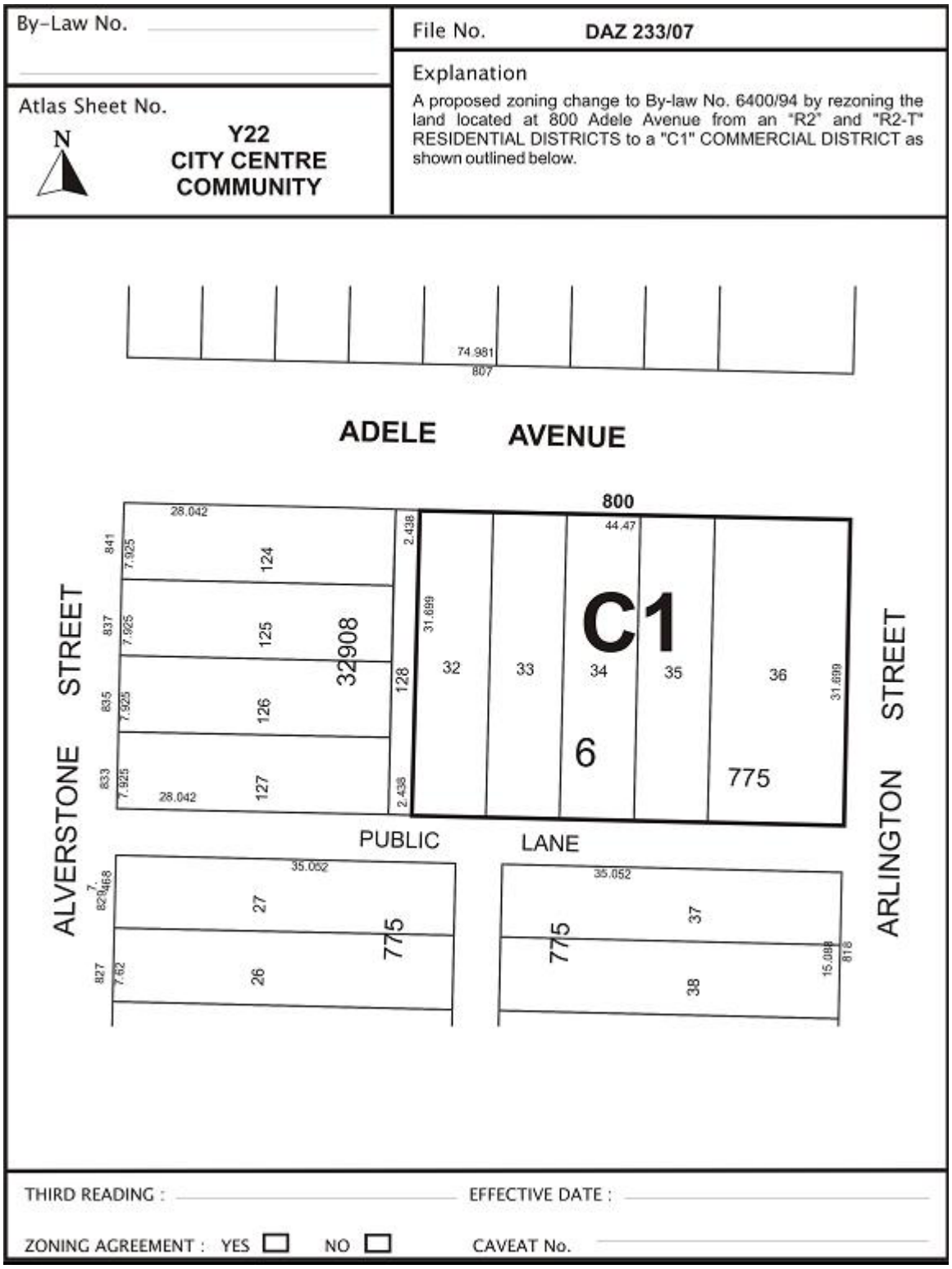

Figure 4: Schedule "A" to the report to the City Centre Community Committee for File DAZ 233/2007, dated January 7, 2008