Agenda - Executive Policy Committee - September 3, 2008

REPORTS

Item No. 9 Rezoning - 340 Provencher Boulevard
(St. Boniface Ward)
File DAZ 207/2008

COMMUNITY COMMITTEE RECOMMENDATION:

On August 5, 2008, the Riel 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2008 dated July 30, 2008, 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 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 and the Riel Community Committee 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On August 5, 2008, the Riel 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 - 340 Provencher Boulevard**
File DAZ 207/2008 [c/r DCU 126402/2008D and DAV 126403/2008D]

For submission to: **Executive Policy Committee**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **August 5, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On August 5, 2008, the Riel 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2008 dated July 30, 2008, 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 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 and the Riel Community Committee 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

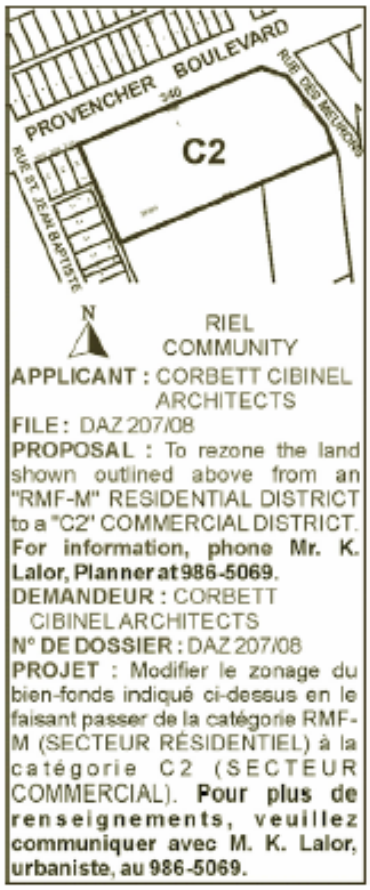
6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 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 of the Planning and Land Use Division dated July 30, 2008.

PUBLIC HEARING SUMMARY

File:	DAZ 207/2008 [c/r DCU 126402/2008D and DAV 126403/2008D]
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Vandal
Public Hearing:	August 5, 2008 Council Chamber, Council Building, 510 Main Street
Applicant:	Corbett Cibinel Architects (Peter Hargraves)
Subject:	
Premises Affected:	340 Provencher Boulevard
Exhibits Filed:	1. Application dated June 24, 2008 2. Notification of Public Hearing dated July 8, 2008 3. Manitoba Status of Title 1417365

4. Letter of authorization dated October 5, 2007 from Robert Regier, Project Manger, Infrastructure and Transportation, Province of Manitoba to Corbett Cibinel Architects
5. Surveyor's Building Location Certificate and sketch dated October 31, 2007
6. Drawings of the proposed development (8 pages)
7. Report from the Planning and Land Use Division dated July 30, 2008
8. Inspection Report
9. Audio Recording of Public Representations

REPRESENTATIONS:

In Support:

Aline Campagne
Glen Gross
Robert Regier
Pat Tooth

In Opposition:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 207/2008 [c/r DCU 126402/2008D and DAV 126403/2008D]

Winnipeg

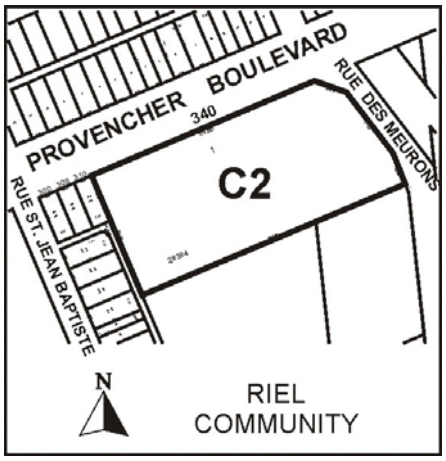
Planning, Property and Development Department Report

To the Riel Community Committee

Date: July 30/2008
File: DAZ 207/2008
Related Files: DCU 08 126402D, DAV 08 126403D

Subject: The purpose of the application is to rezone the subject land in order to facilitate the expansion of the existing Cultural Centre for Cercle Moliere Theatre Company.

Location: N.W. corner of Provencher Blvd. & Des Meurons Street
Legal Description: Lot 1, Plan 29394 76 St. Boniface



Applicant: Corbett Cibinal Architects

Owner: Her Majesty The Queen in Right of the Province of Manitoba

Recommendation: *Approve with conditions*

Site Description:



The Centre Culturel Franco-Manitobain is a Government owned building situated at the s.w. corner of Provencher Blvd. and Des Meurons Street. It is zoned "RMF-M" Multiple Family and encompasses an area of approximately 4.4 acres. To the immediate south is a large St. Boniface School Division site zoned " R2" Residential. More than half of that site is playground area. To the west along Rue St. Jean Baptiste is a mix of single and two family dwellings zoned "R2" Residential. On the north side of Provencher Blvd. is a similar mix of small apartment complexes and single family dwellings zoned "RMF-M" Multiple Family. A small commercial multi-tenant mall is sited at the n.w. corner of Thiebeault St. and Provencher. East of Des Meurons is a large commercial area with retail stores, a coffee shop and a service station zoned "C3" Commercial Corridor.

Background:

The Cercle Moliere has been operating for years a location in Pointe Hebert. The previous facility was to small to meet the Theatre's needs, so plans are now complete to incorporate a new and expanded Theatre into the existing Cultural Centre Complex. It is also an opportunity to rezone the entire site to an appropriate commercial category which more accurately reflects the type of uses which occupy the Centre. The current building was able to function because of its non-conforming status.

Description of the Proposed Development:

- Essentially the new addition will be a two storey structure with an overall area of 1240 sq. metres. It will be linked by an elevated passageway to the main facility which has an overall area of 3810 sq. metres. The new building will include a 125 person performance hall, lobby, practice hall, workshop, dressing rooms and storage space. There has been a total of 172 parking stalls on site but that will be marginally reduced with the enlargement of the building footprint. Ultimately , 152 stalls will be left on the property with additional parking to be provided on adjoining lands during peake times such as Folklarama or Festival Du Voyager.

Analysis:

The Planning, Property & Development Department fully supports both the rezoning and the establishment of a new theatre on the north side of the existing cultural complex. The new zoning will better reflect the variety of uses currently on site i.e. restaurant , assembly areas, offices etc. and the new theatre facility will also compliment current and ongoing use of the overall Centre. While parking seems to be inadequate in relation to the overall square footage of the entire building mass, there is seldom a problem in that regard given that most functions are not occurring simultaneously. Its only during major festivals, like the Festival du Voyager, that there is spill over parking into adjoining streets and parking lots. There is also a use variance accompanying the subject rezoning, which, if approved, will allow the applicants to obtain preliminary construction/building permits prior to the rezoning being endorsed by Council , which could take months.

Recommendation:

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

- The new facility will greatly augment and compliment the accompanying uses in the Cultural Centre. It is also centrally located with more than adequate parking.

Recommended Conditions of Approval:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207 /2008 dated July 30/2008, 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 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 and the **Riel** Community Committee 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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: Kevin Lalor PPD File # DAZ 207/2008

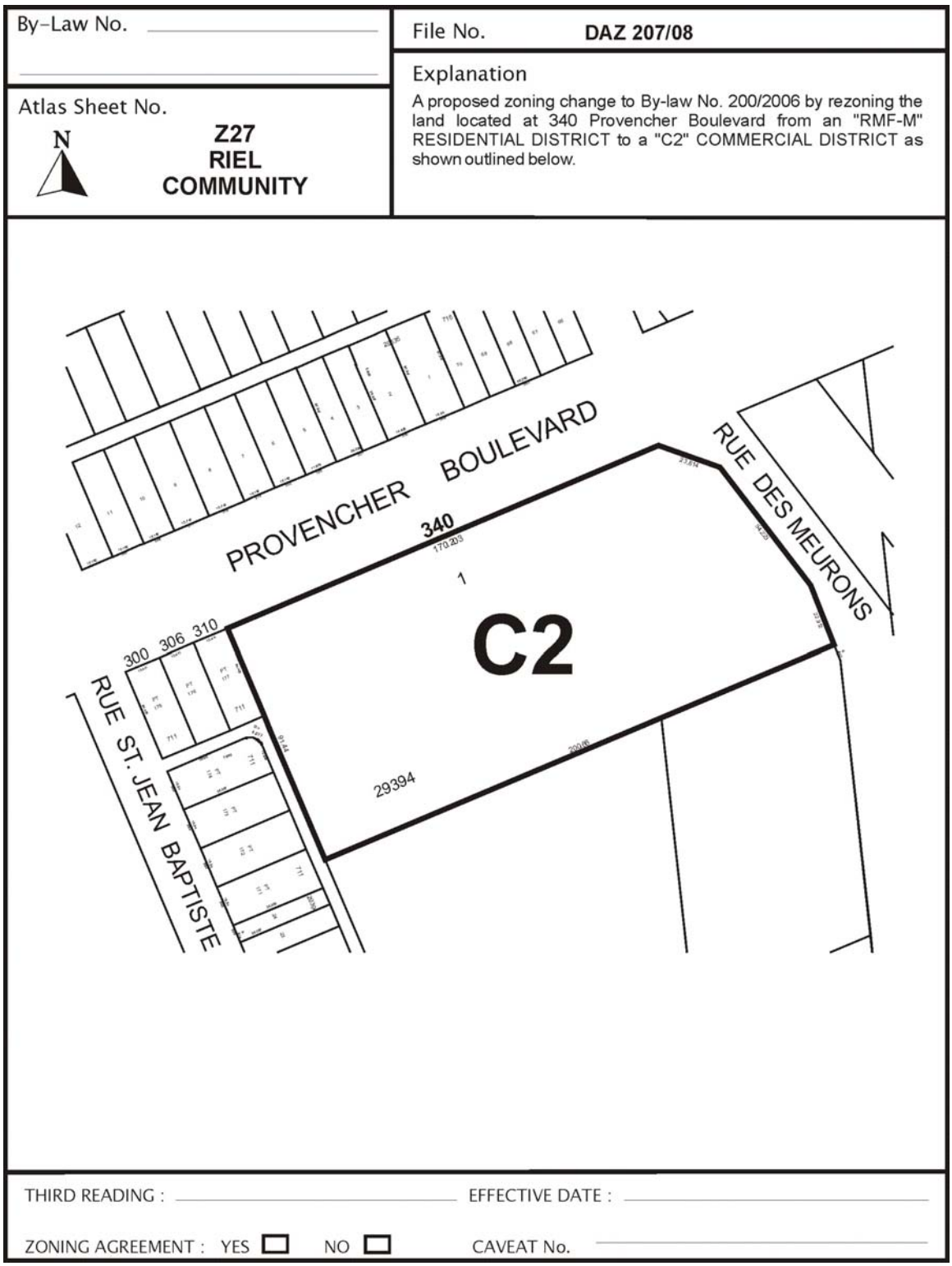


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 207/2008, dated July 30, 2008.