Minutes - Executive Policy Committee - September 17, 2008

Minute No. 458
Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 4 Rezoning - 443 Spence Street
(Daniel McIntyre Ward)
File DAZ 224/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

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 224/2008 dated July 5, 2008 to a "C1" Commercial Neighbourhood 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 subject land:
            a. animal hospital or veterinary clinic,
            b. kennel,
            c. restaurant,
            d. office,
            e. personal services,
            f. retail sales and
            g. contractor's establishment

        ii. That a social service facility on the subject land has a gross floor area no more than 4,400 square feet.

        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.

Report - Standing Policy Committee on Property and Development - September 2, 2008

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.

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.

Minutes - Executive Policy Committee - September 17, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment namely:

- Recommendation 1.A.ii
  Delete the word "3,500" and replace with the word "4,400",

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 443 Spence Street**
File DAZ 224/2008 [c/r DCU 125395/2008D and DAV 125415/2008D]

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

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

Report date: **July 15, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

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 224/2008 dated July 5, 2008 to a "C1" Commercial Neighbourhood 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 subject land:
            a. animal hospital or veterinary clinic,
            b. kennel,
            c. restaurant,
            d. office,
            e. personal services,
            f. retail sales and
            g. contractor's establishment

        ii. That a social service facility on the subject land has a gross floor area no more than ~~***3,500***~~ ***4,400*** square feet.

        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.

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.

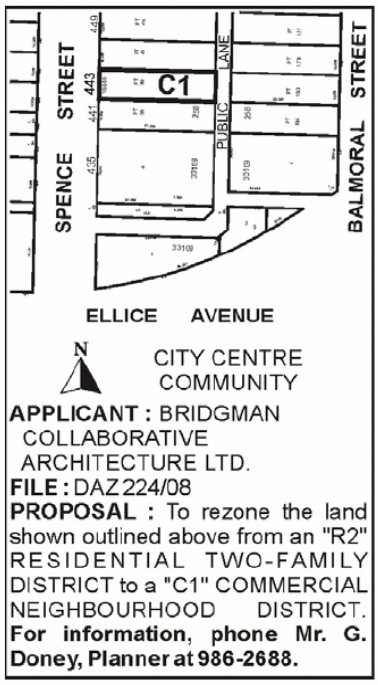
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is an enhancement for the community.

2. The proposal is a needed resource in the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 224/2008 [c/r DCU 125395/2008D and DAV 125415/2008D]
Before:	City Centre Community Committee Councillor Leipsic, Chairperson Councillor Gerbasi Councillor Smith
Hearing:	July 14, 2008 North Committee Room Council Building, 510 Main Street
Applicant:	Bridgman Collaborative Architecture Ltd. (Mike Robertson)
Subject:	
Premises Affected:	443 Spence Street
Exhibits Filed:	1. Application dated June 19, 2008 2. Notification of Public Hearing dated June 17, 2008 3. Manitoba Status of Title 1821706 4a. Letter of authorization dated June 13, 2008, from the University of Winnipeg to Ma Mawi Wi Chi Itata Centre

4b. Letter of authorization dated June 13, 2008, from the Ma Mawi Wi Chi Itata Centre to Bridgman Collaborative Architecture Ltd.
5. Surveyor's Building Location Certificate and sketch dated June 23, 2008
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated July 5, 2008
8. Inspection Report
9. Communication dated June 20, 2008, from Kate Sjoberg, Executive Director, Spence Neighbourhood Association, in support of the application
10. Communication dated June 27, 2008, from Jennifer Rattray, Executive Director, Government, Indigenous and Community Affairs, University of Winnipeg, in support of the application
11. Communication dated July 7, 2008, from the Marianne Cerilli, West Central Women's Resource Centre, in support of the application
12. Communication dated July 9, 2008, from Brad Unger, Program Manager, House of Opportunities, in support of the application
13. Communication dated July 10, 2008, from the Nan Colledge, General Manager, West End Cultural Centre, in support of the application
14. Petition in support of the application purporting to contain the signatures of 81 area residents, submitted by the applicant
15. Communication dated July 14, 2008, from Carole Clarke, Executive Director, Pregnancy and Family Support Services Inc., in support of the application
16. Copy of a flyer submitted by Sean Murphy in opposition to the application
17. Presentation submitted by Richard Kathler in opposition to the application
18 Petition in opposition to the application purporting to contain the signatures of 75 area residents, submitted by Sean Traynok
19. Communication dated July 11, 2008, from Gloria Cardwell-Hoeppner, Executive Director, West End Business Improvement Zone, in support of the application
20. Communication dated July 14, 2008, from Tricia Seymour, Office Assistant, Wii Chiiwaakanak Learning Centre, University of Winnipeg, in support of the application

21. Petition in support of the application purporting to contain the signatures of 16 area residents, submitted by Diane Redsky, Executive Director (Acting), Ma Mawi Wi Chi Itata Centre Inc.
19. Audio Recording of representations

REPRESENTATIONS:

In Support:

Annetta Armstrong
Jessie Campbell
Gloria Cardwell-Hoeppner, Executive Director, West End Business Improvement Zone
Marianne Cerilli, West Central Women's Resource Centre
Carole Clarke, Executive Director, Pregnancy and Family Support Services Inc.
Nan Colledge, General Manager, West End Cultural Centre
Pat Desjarlais
Blaine Harris
Joan Hay
Tom Lavallee
Patrick Macklem
Cheryl Parkes
Jennifer Rattray, Executive Director, Government, Indigenous and Community Affairs, University of Winnipeg
Michael Robertson, Bridgman Collaborative Architecture Ltd.
Diane Redsky, Executive Director (Acting), Ma Mawi Wi Chi Itata Centre Inc.
Tricia Seymour, Office Assistant, Wii Chiiwaakanak Learning Centre, University of Winnipeg
Kate Sjoberg, Executive Director, Spence Neighbourhood Association
Bonnie Koren Thompson
Brad Unger, Program Manager, House of Opportunities
Larry Wucherer

In Opposition:

Richard Kathler
Sean Murphy
Allan Rutherford
Sean Traynok

For Information:

Nil

For the City:

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

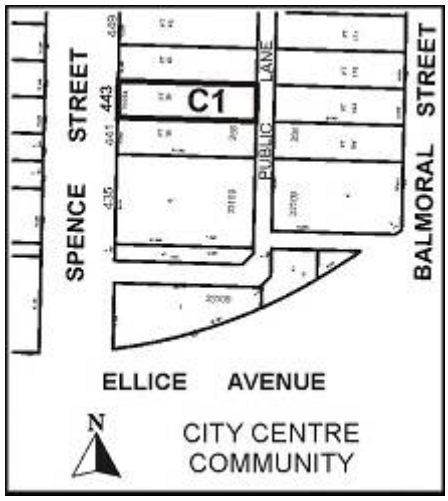
Exhibit "7" referred to in File DAZ 224/2008 [c/r DCU 125395/2008D and DAV 125415/2008D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	July 5, 2008
File:	**DAZ 224/08**
Related Files:	DCU 08-125395/D, DAV 08-125415/D and 08 125415 000 00 VC
Subject:	**Rezone from "R2" Residential Two-Family District to "C1" Commercial Neighbourhood District to allow the establishment of a social service facility as a conditional use**
Location:	**443 Spence Street, north of Ellice Avenue**
Legal Description:	Lot 39, Plan 258, except the easterly eight feet



Applicant:	**Mike Robertson, Bridgman Collaborative Architecture Ltd.**

Owner: **The University of Winnipeg Educational Housing Corporation**

Recommendation: **Approval with Conditions**

Summary:

- The proposal is to redevelop, renovate and expand the existing house and lot into a social service facility.
- The "Social service facility" will have a gross floor area of approximately 3,000 square feet.
- A "Social service facility" will provide family programming and support services, with one-hour group sessions consisting of up to 30 people, with services provided to approximately 12 drop-in users per day during regular hours and with approximately six staff persons;
- Operating from Monday to Friday, 8:30 AM to 4:30 PM and, approximately two days per week, to 9:00 PM;
- The majority of staff and clients' primary transportation mode is expected to be walking, including walking to/from Winnipeg Transit nearby stops.
- The four accessory gravel parking spaces will be replaced with three accessory paved parking spaces off the rear lane.

Site Description

The subject land is at the east side of Spence Street and north of Ellice Avenue in the Spence Neighbourhood of the Daniel McIntyre Ward. The subject land has a lot area and a lot width of approximately 4,092 square feet and 33 feet; and is occupied by a 2 ½ story, 2,076 sq. ft single family dwelling constructed in 1905.

As shown in Figure 2, the subject land:

- is in an "R2" Residential Two-Family District;
- is in the vicinity of other "R2" Residential Two-Family Districts and a "C1" Commercial Neighbourhood District;
- is in the vicinity of Ellice Avenue, which is adjacent to "C2" Commercial Community Districts and "M" Multiple-Use Sectors, the latter of which are in the downtown and, therefore, are under the Downtown Winnipeg Zoning By-law 100/2004; and
- is in the vicinity of Balmoral Street, which is adjacent to a "C2" Commercial Community District, an "RMF-L" Residential Multiple-Family District (large-scale) and "M" Multiple-Use Sectors.

Figure 3 shows that the subject land:

- is principally a single-room occupancy use in a 2 ½ storey building;
- is adjacent to a lot with a 2 ½ storey single-family dwelling and a lot with non-accessory surface parking;

- is in the vicinity of several other single-room occupancy uses in buildings that are 2 ½ or 3 storeys; and
- is also in the vicinity of two two-family dwellings that are 2 ½ storeys, two 3 ½ storey multiple-family dwellings, one six storey multiple-family dwelling within which is also a cultural centre, one 2 ½ storey building with one dwelling unit and a single-room occupancy use and three non-accessory surface parking areas.

Description of the Proposed Development

The proposal is to redevelop the existing house and lot as shown in Sheets One and Two of File DAV 08-125415/D, which includes:

- replacing the front porch with a cold weather vestibule;
- constructing a one storey addition that would extend from the east side of the existing house to approximately 25.7 feet of the rear property line;
- constructing decks and ramps to access the building;
- replacing the four accessory gravel parking spaces with three accessory paved parking spaces, on the understanding that the majority of staff' and clients' primary transportation mode is expected to be walking, including walking to/from Winnipeg Transit stops that are on Ellice or Sargeant Avenues or Balmoral Street; and
- removing the existing fence in the front yard and to redevelop said yard into a quasi-public open space available for casual community use.

A "Social service facility" with a gross floor area of approximately 3,000 square feet is the proposed principal use of the subject land and includes:

- operating from Monday to Friday, 8:30 AM to 4:30 PM and, approximately two days per week, to 9:00 PM;
- providing family programming and support services, with one-hour group sessions consisting of up to 30 people, with services provided to approximately 12 drop-in users per day during regular hours and with approximately six staff persons;
- providing individual drop-in users access to a kitchen, laundry facilities, the Internet and other services such as bus tickets and food vouchers; and
- providing families with educational services, child and welfare advocacy, food vouchers, cooking classes, short-term daycare while parents are in programming at the social service facility, in-home support services, parenting groups, healthy lifestyle and relationship programs and access to laundry facilities and to traditional craft-making.

Analysis

Plan Winnipeg

The proposal conforms to *Plan Winnipeg 2020 Vision* because the subject land is in a Neighbourhood policy area as per "Policy Plate A, Land Use" of said document.

Compatibility with the Existing Neighbourhood

The proposed social service facility has the potential to become a positive component of the immediate area and, to some degree, the Spence Neighbourhood as a whole, given that:

- it would have a relatively small gross floor area of approximately 3,000 square feet;
- it would provide support services to individuals and families; and
- the majority of staff' and clients' primary transportation mode is expected to be walking, including walking to/from Winnipeg Transit stops that are on Ellice or Sargeant Avenues or Balmoral Street.

If carefully designed and managed, the quasi-public space that is to be in the front yard of the proposed development also has the potential to be a positive component of the immediate area, especially so since there are no public parks in the immediate area.

As shown in Sheet One of File DAV 08-125415/D and Table 5-2 of Winnipeg Zoning By-law 200/2006, the proposed front and rear yards are in accordance with the existing yard requirements for residential structures – 20 and 25 feet, respectively.

The potential for adverse impacts on the parcel immediately south of the subject land is low given that it is a non-accessory surface parking use.

The potential adverse impacts on the parcel immediately north of the subject land (the use of which is single-family dwelling) can be mitigated by modifying the design such that the north side yard depth would not be less than what is existing.

Also, as shown in Figure 3, three non-accessory surface parking lots are near the subject land, thus providing an opportunity to obtain additional parking spaces for the proposed development.

By making plan approval a condition of rezoning, a fairly high degree of compatibility of the proposed development with existing developments, particularly the single-family dwelling use immediately north of the subject land, can be ensured.

Zoning

The "R2" Residential Two-Family District is intended to accommodate the development of single- and two-family units and, where appropriate, limited multiple-family units in lower density neighbourhoods.

The "C1" Commercial Neighbourhood District is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to service the convenience needs of the surrounding neighbourhood. That the majority of staff' and clients' primary transportation mode is expected to be walking, including walking to/from Winnipeg Transit stops (none of which are on Spence Street), indicates that the social service facility would be at an appropriate scale for a"C1" Commercial Neighbourhood District.

Also, because the subject land is not adjacent or near an existing commercial district but is within a residential district that extends a significant distance from said land, further compatibility of the proposed rezoning to "C1" District with existing uses and zoning can be ensured by means of a zoning agreement that would:

- prohibit commercial sales and service uses and the "contractor's establishment" use, both of which are permitted in "C1" Commercial Neighbourhood Districts, from the subject land; and
- limit the gross floor area of a social service facility on the subject land to no more than, say, 3,500 square feet (to provide a limited opportunity for future expansion of the proposed use).

In addition, it is noteworthy that:

- the single-room occupancy use is prohibited in the"R2" Residential Two-Family District but is permitted, subject to use specific standards, in the "C1" Commercial Neighbourhood District; and
- the social service facility use is also prohibited in the"R2" Residential Two-Family District but is a conditional use in the "C1" Commercial Neighbourhood District.

Land Use By-Law Issues

Winnipeg Zoning By-law 200/2006 use, lot area, yard depth, fence height and parking requirements must be varied before development can proceed. Application to vary By-law 200/2006 has been made under File DAV 08-125415/D.

A social service facility is a conditional use in the "C1" Commercial Neighbourhood District, as per Winnipeg Zoning By-law 200/2006. Application has been made for conditional use order under File 08-125395/D.

While a variance or conditional use order can be appealed to the Appeals Committee, the Community Committee's recommendations regarding a rezoning proceeds to Council without an additional public hearing.

Transportation and Site Access

That the majority of staff' and clients' primary transportation modes are walking and public transit and that three non-accessory surface parking lots are quite close to the subject land addresses the proposed provision of only three accessory parking spaces instead of six parking spaces as per By-law 200/2006. A parking management plan has been submitted to the City and the Planning and Land Use Division and is considered a bona fide plan by said Division.

The subject land is close to Ellice and Sargent Avenues and Balmoral Street, all of which are regional streets that are also Winnipeg Transit bus routes. Public sidewalks along both sides of Spence Street connect the subject land to Ellice and Sargeant Avenues.

Site Design Issues

If this proposal proceeds to plan approval, a detailed site plan should be submitted for approval before a development permit will be issued. The site plan will have to contain the design elements that are to integrate the structure and function of the proposed land use into the community. The final site plan will include detailed designs for fencing, vegetation and buildings.

- Trees, shrubs and vines should be planted to enhance the site.
- On-site sidewalks should be well lit, without causing glare onto nearby land, convenient and provide relatively direct access to public sidewalks, parking spaces and building entrances.
- The front entrance to the building should be distinct by means such as higher quality building materials, canopies, porticos, windows and lighting.
- Outside garbage containers should be fully enclosed and screened with fencing and/or vegetation and located away from nearby dwellings.

As well, the design should be in accordance with "Part 5: Development and Design Standards" of Winnipeg Zoning By-law 200/2006.

Recommendation

The Planning and Land Use Division recommends approval because:

- the "C1" Commercial Neighbourhood District and the proposed social service facility are generally compatible with residential districts and with existing uses in the vicinity of the subject land;
- as previously stated, further compatibility can be ensured by means of a zoning agreement that would: prohibit commercial sales and service uses and the "contractor's establishment" use, both of which are permitted in "C1" Commercial Neighbourhood Districts, from the subject land; and limit the gross floor area of a social service facility on the subject land to no more than 3,500 square feet; and
- the compatibility of any proposed development of the subject land with existing developments can be further ensured by making approval of plans that show design specifics for landscaping, building façade, fencing, signage, garbage enclosure, paving and other elements of the proposed development by the Director of the Planning, Property and Development Department a requirement before building permits can be issued.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/08 dated July 5, 2008 to a "C1" Commercial Neighbourhood 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 subject land:
   a. animal hospital or veterinary clinic,
   b. kennel,
   c. restaurant,
   d. office,
   e. personal services,
   f. retail sales and
   g. contractor's establishment

ii. That a social service facility on the subject land has a gross floor area no more than 3,500 square feet.

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.

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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: J. Glen Doney
PPD File DAZ 224/08

Schedule "A"

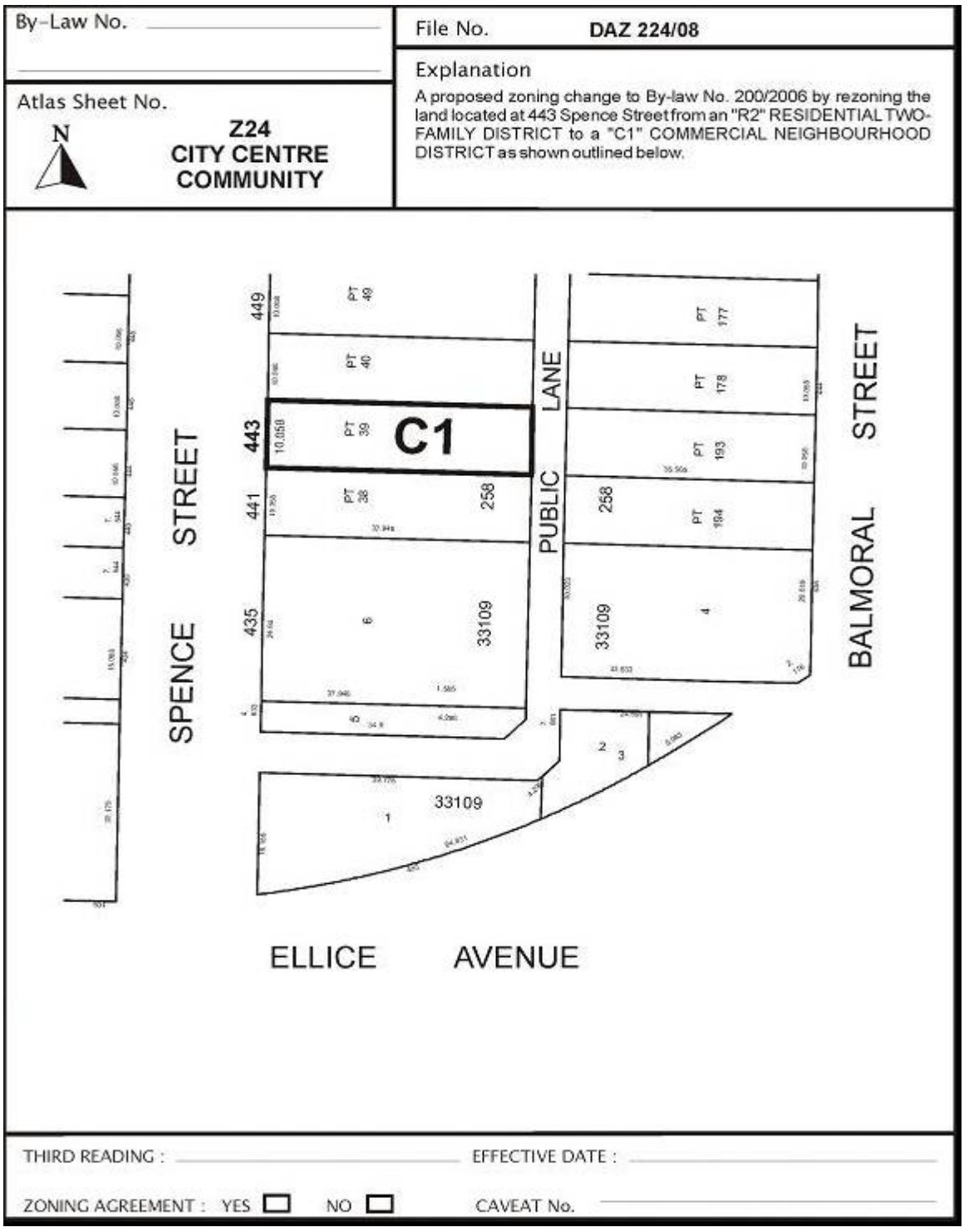


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DAZ 224/2008, dated July 5, 2008

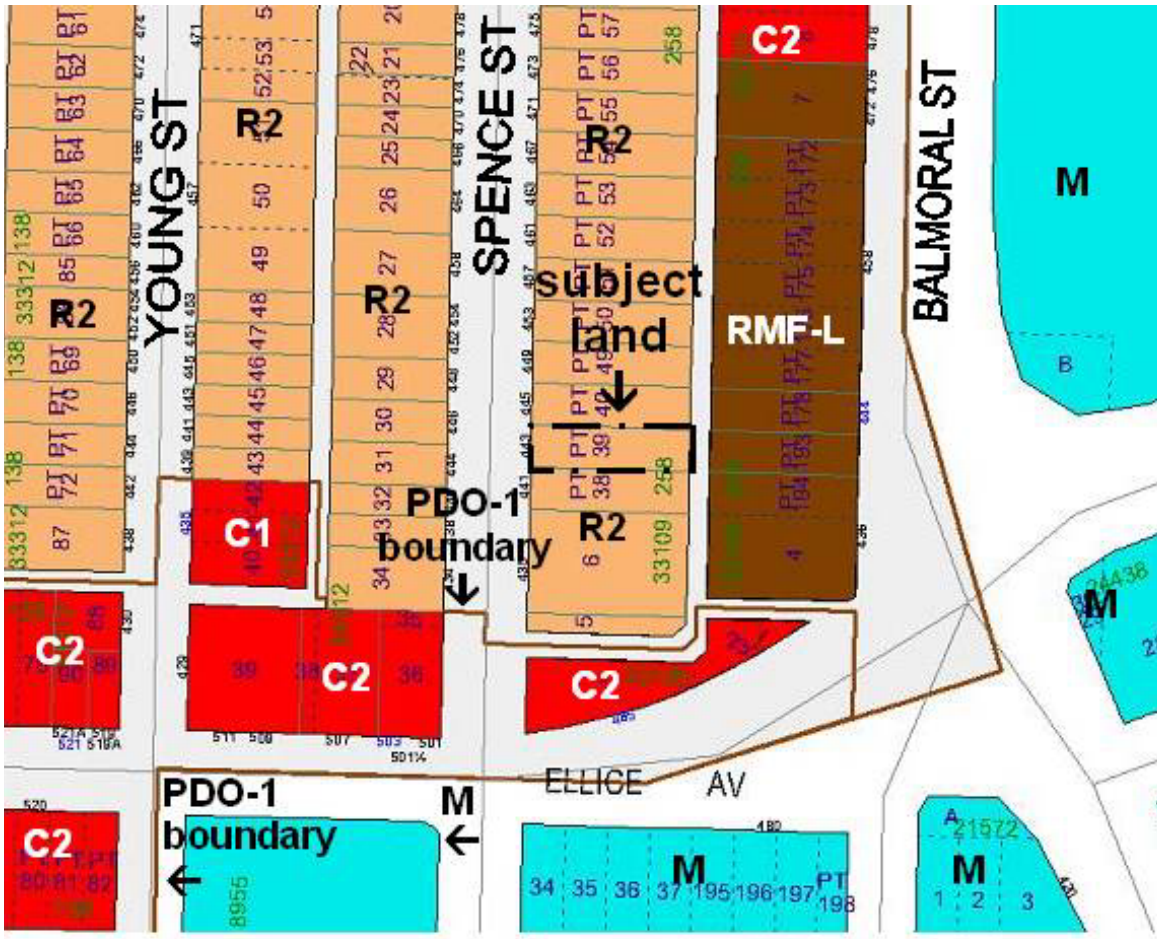


Figure 2: Existing Zoning

July 5, 2008



Figure 3: Existing Land Use, 2005 Aerial Photography

Legend

SRO 2 ½	single-room occupancy, 2 ½ storeys
2FD 2 ½	two-family dwelling, 2 ½ storeys
SFD 2 ½	single-family dwelling, 2 ½ storeys
SRO & 1 DU 2 ½	single-room occupancy & 1 dwelling unit, 2 ½ storeys
MFD 3 ½	multiple-family dwelling, 3 ½ storeys
MFD & CC 6	multiple-family dwelling & cultural centre, 6 storeys
SP	surface parking (as a principal use)

July 5, 2008