Minute No. 494
Report - Executive Policy Committee - June 25, 2008

Item No. 4 **Rezoning - 191 River Avenue**
(Fort Rouge-East Fort Garry Ward)
File DAZ 215/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

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 215/2008 dated June 5, 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 or expansion 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 City Centre 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;
        ii. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
        iii. That mobile, temporary signs shall not be permitted;
        iv. That third-party Advertising Signs shall not be permitted.

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 the market value of the land.

Report - Executive Policy Committee - June 25, 2008

COUNCIL DECISION (continued):

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.

Report - Executive Policy Committee - June 25, 2008

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 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 June 17, 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 - 191 River Avenue**
File DAZ 215/2008

For submission to: **Executive Policy Committee**

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

Report date: **June 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 215/2008 dated June 5, 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 or expansion 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 City Centre 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;
        ii. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
        iii. That mobile, temporary signs shall not be permitted;
        iv. That third-party Advertising Signs shall not be permitted.

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 the 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.

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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.

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

1. The proposal is fitting with the nature of area and existing use.

PUBLIC HEARING SUMMARY

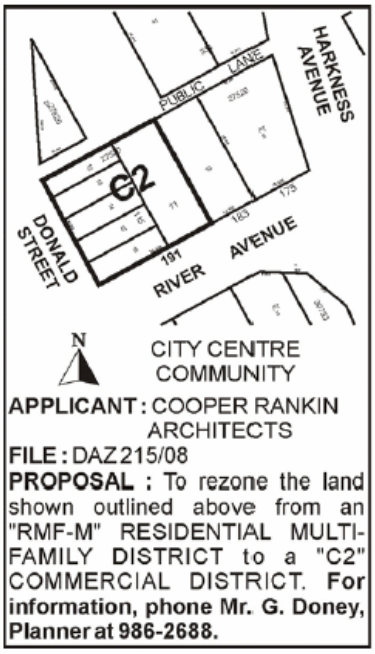
File: DAZ 215/2008

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

Hearing: June 17, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Cooper Rankin Architects (Arnie O. Cooper)

Subject:



Premises Affected: 191 River Avenue

Exhibits Filed:

1. Application dated May 2, 2008
2. Notification of Public Hearing dated May 16, 2008
3. Manitoba Status of Title 1235700
4. Letter of authorization dated January 17, 2008 from Kennedy Professional Centre, Inc. to Cooper Rankin Architects

5. Surveyor's Building Location Certificate and sketch dated September 15, 1988
6. Report from the Planning and Land Use Division dated June 5, 2008
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Arnie O. Cooper, Cooper Rankin Architects

In Opposition

Nil

For Information:

Nil

For the City:

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

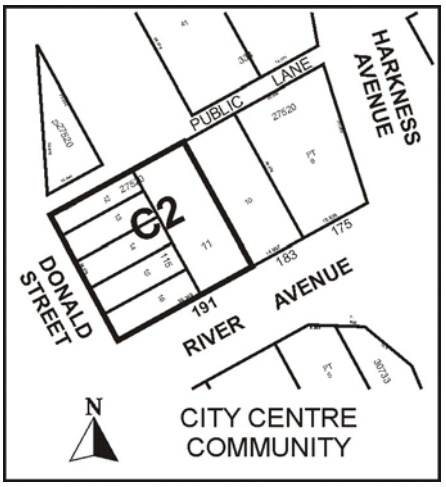
Exhibit "6" referred to in File DAZ 215/2008

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 5, 2008
File: **DAZ 215/08**
Related Files:
Subject: To amend By-Law No. 200/2006 by rezoning the land shown below from an "RMF-M" Multiple-Family District to a "C2" Commercial District.



Location: 191 River Avenue
Legal Description: SP Lot 11 and 12, Plan 27520
Lots 13 to 16 Plan 115
in RL 41 Parish of Saint Boniface

Applicant: Arnie O. Cooper, Cooper Rankin Architects
Owner: Kennedy Professional Centre Inc.

Recommendation: *Approved with conditions*

Site Description

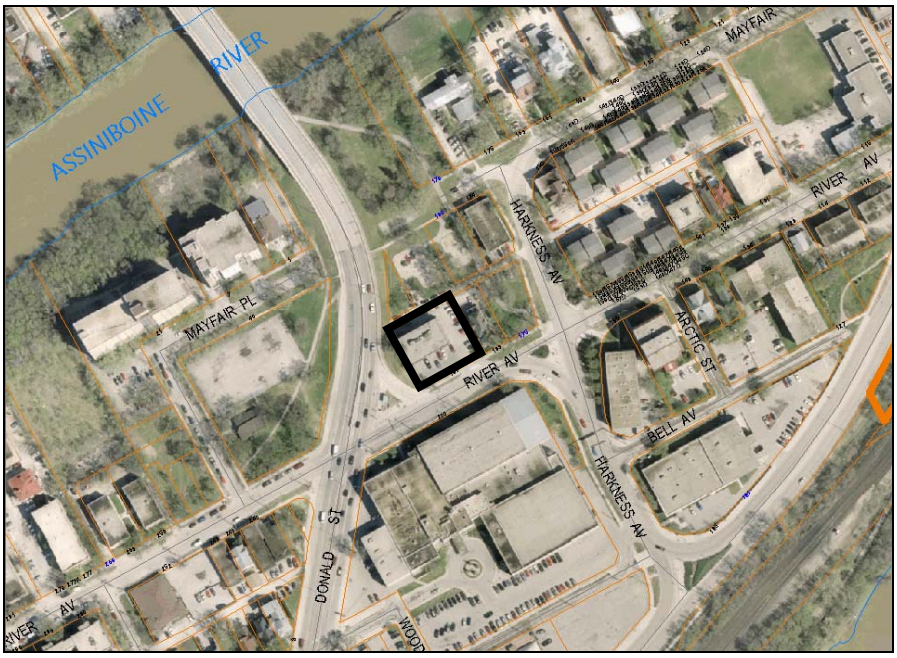
The subject site is a two storey commercial building with accessory parking. It occupies approximately **15,000 square feet** on the northeast corner of River Avenue and Donald Street and is located in the River - Osborne Neighbourhood of the Fort Rouge – East Fort Garry Ward. The site is zoned "**RMF-M" Multi-Family Residential.**

North: Public open space, mostly associated with the Midtown Bridge right-of-way, plus some city-owned "RMF" Multi-Family Residential zoned parcels

South: Winnipeg Winter Club zoned "C2" Commercial

East: Park, boundary of the Osborne Village Secondary Plan area

West: Commercial building in a former residence zoned "C2"



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant is seeking an appropriate zoning for the commercial development that has been at this location for many years. (The existing building was constructed in 1988.) Although no drawings have been received, the applicant has expressed an interest in adding a third storey to the existing building some time in the future.

Analysis

The subject site is designated "Neighbourhood" under *Plan Winnipeg*. This neighbourhood borders Downtown Winnipeg and exhibits an urban mix of uses and built forms, although residential uses predominate. The proposed commercial rezoning is consistent with current use of the property, which has demonstrated compatibility with the neighbourhood over many years.

Because of the unique location of this property, adjacent to the boundary of the Osborne Village secondary plan, along a designated image route, and at an important gateway into the downtown, the Planning and Land Use Division recommends that a zoning agreement be entered into. The intent of the zoning agreement would be to ensure:

- that no new signage is situated so as to impede the views toward the river and downtown;
- that any changes to site layout (landscaping, walkways, parking and accessory structures) enhance the image of Donald Street;
- that any future additions provide sufficient setback to permit landscaping, pedestrian amenities and other interesting features that reinforce the theme of the route; and
- that all sides of any new or expanded structures visible from Donald Street be finished similarly to the front façade of the building.

Recommendation

The Planning and Land Use Division recommends approval, with conditions, for the following reasons:

- Commercial zoning will rationalize current and long-standing use of this property;
- "C2" zoning will assist with the ongoing viability of the existing building by providing for a broader mix of land use and future intensification of site development;

Recommended Conditions of Approval

I. That the Winnipeg Zoning By-law 200/2006 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 215/08, attached hereto and dated June 5, 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:

1. That, for the development or expansion 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 **City Centre** 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 all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
3. That mobile, temporary signs shall not be permitted;
4. That third-party Advertising Signs shall not be permitted.

II. That a ten (10) per cent 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 the market value of the land.

III. 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.

IV. 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.

V. 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.

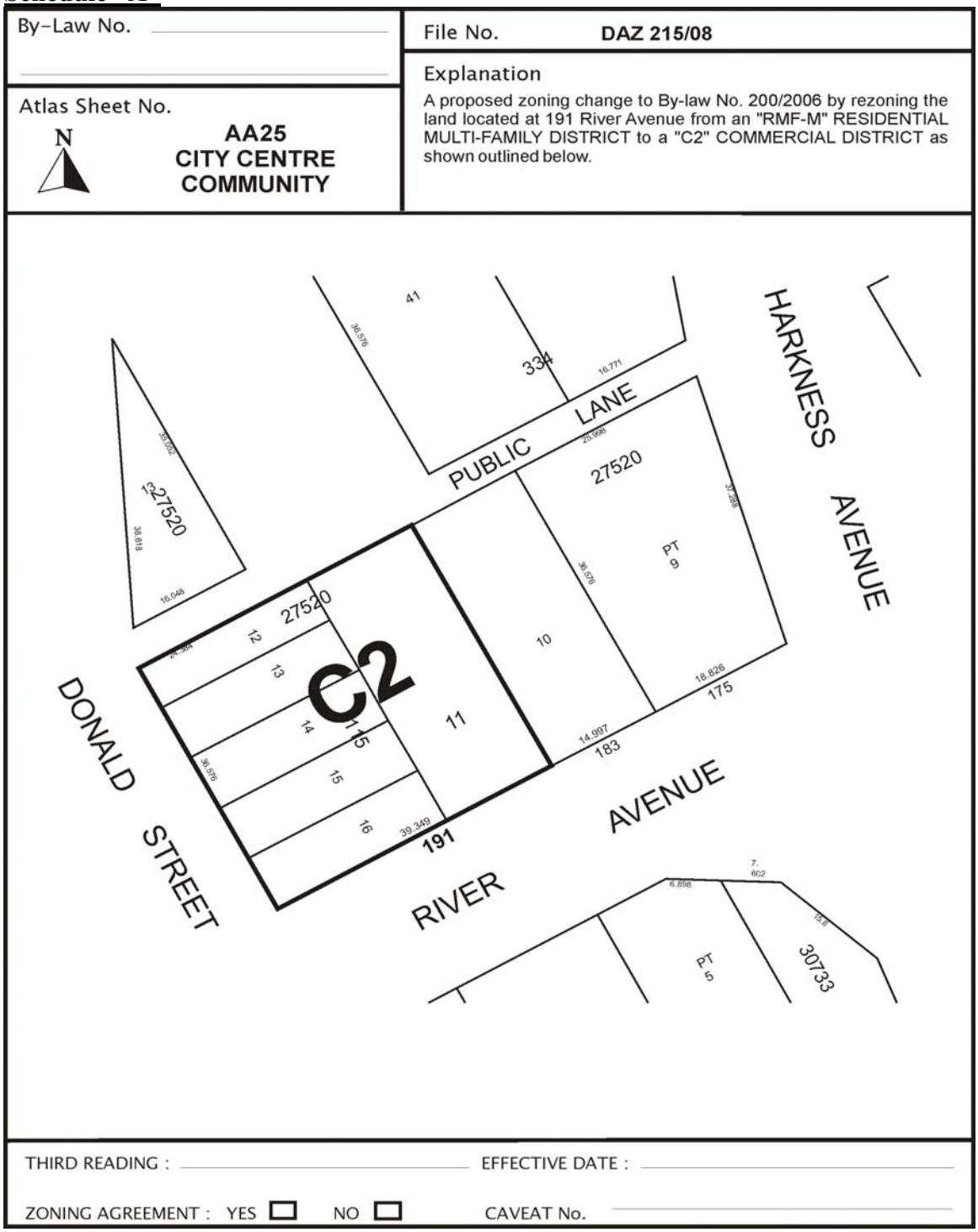
VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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: Kurtis Kowalke
PPD File # DAZ 215/08

Schedule "A"



Schedule "A" to the report to City Centre Community Committee for file # DAZ 215/08 dated June 5, 2008.