Agenda - Council - June 24, 2009

Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 12 Rezoning – 228 Hamel Avenue
(St. Boniface Ward)
File DAZ 203/2009

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel 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 203/2009 dated April 23, 2009, 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 not be permitted on the land:
            a. Single-room occupancy
            b. Community/recreation centre
            c. Post office/carrier depot
            d. Protection and emergency services
            e. Place of Worship
            f. Hostel
            g. Hotel or motel
            h. Animal hospital or veterinary clinic
            i. Kennel
            j. Restaurant
            k. Personal services
            l. Retail sales
            m. Utility facility, minor
            n. Contractor's establishment.

        ii. That for the redevelopment or new development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, to the Director of

Report - Standing Policy Committee on Property and Development - June 2, 2009

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 Acting 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 Acting 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 - June 2, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2009, the Riel Community Committee concurred in Recommendations 1 to 7 of the Winnipeg Public Service, with the following amendment:

- Recommendation 2. A. ii. be amended by adding the words “and the Riel Community Committee” after the words “Director of Planning, Property and Development”,

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

RE: **Rezoning – 228 Hamel Avenue**
File DAZ 203/2009 [c/r DCU 108054/2009D and DAV 108058/2009D]

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

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

Report date: **May 6, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2009, the Riel 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 203/2009 dated April 23, 2009, to an '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 not be permitted on the land:
            a. Single-room occupancy
            b. Community/recreation centre
            c. Post office/carrier depot
            d. Protection and emergency services
            e. Place of Worship
            f. Hostel
            g. Hotel or motel
            h. Animal hospital or veterinary clinic
            i. Kennel
            j. Restaurant
            k. Personal services
            l. Retail sales
            m. Utility facility, minor
            n. Contractor's establishment.

        ii. That for the redevelopment or new development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting 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 Acting 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 Acting 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 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 April 23, 2009.

PUBLIC HEARING SUMMARY

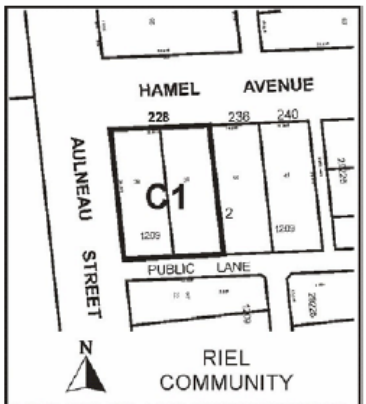
File: DAZ 203/2009 [c/r DCU 108054/2009D and DAV 108058/2009D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: May 4, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Les Missionnaires Oblates de Saint-Boniface (Guy Lambert)

Subject:



APPLICANT: LES MISSIONAIRES OBLATES DE SAINT-BONIFACE
FILE: DAZ 203/09
PROPOSAL: To rezone the land shown outlined above from an "R2" TWO-FAMILY RESIDENTIAL DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT for the establishment of a social service facility. **For information, phone Mr. K. Kowalke, Planner at 986-5917.**
DEMANDEUR : LES MISSIONAIRES OBLATES DE SAINT-BONIFACE
N° DE RÉFÉRENCE : DAZ 203/09
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R2 (SECTEUR D'HABITATIONS BIFAMILIALES) à la catégorie C1 (SECTEUR COMMERCIAL) afin de permettre l'aménagement d'un établissement de services sociaux. **Pour plus de renseignements, veuillez communiquer avec M. K. Kowalke, urbaniste, au 986-5917.**

Premises Affected: 228 Hamel Avenue
5166

Exhibits Filed:

1. Application dated March 5, 2009
2. Notification of Public Hearing dated March 18, 2009
3. Manitoba Status of Title 849350
4. Letter of authorization dated February 4, 2009 from Louis Vielfaure and Paul Sorin, Les Pères Blancs, Missionnaires d'Afrique to Les Missionnaires Oblates de Saint-Boniface
5. Letter of authorization dated February 13, 2009 from Leo Boutin and Berthe O'Rielly, Les Missionnaires Oblates de Saint-Boniface to Guy Lambert.
6. Surveyor's Building Location Certificate and sketch dated January 27, 2009
7. Plans (6 pages)
8. Report from the Planning and Land Use Division dated April 23, 2009
9. Inspection Report
10. Audio Recording of representations of public hearing held on May 4, 2009

REPRESENTATIONS:

In Support:

Christian Benhamou
Yvette Bernardin
Sr. Cécile Fortier
Raymond Lafond
Guy Lambert
Daniel Lussier
Berthe O'Reilly
Michael Willcock

In Opposition

Dan and Anna Nault

For Information:

David Berry

For the City:

Mr. K. Kowalke, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 203/2009 [c/r DCU 108054/2009D and DAV 108058/2009D]

ADMINISTRATIVE REPORT

RE: Rezoning, Conditional Use and Variance – 228 Hamel Avenue, Aulneau Renewal Centre
Files: DAZ 203/09; DCU 09-108054D; DAV 09-108058D

REPORT DATE: April 23, 2009
To: Riel Community Committee

AUTHORIZATION

Author	Department Head	CAO
Kurtis Kowalke		N/A

RECOMMENDATION

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 203/2009 dated April 23, 2009, to an 'C1' Commercial Neighbourhood District, subject to the following:

    B. 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 not be permitted on the land:

            a. Single-room occupancy
            b. Community/recreation centre
            c. Post office/carrier depot
            d. Protection and emergency services
            e. Place of Worship
            f. Hostel
            g. Hotel or motel
            h. Animal hospital or veterinary clinic
            i. Kennel
            j. Restaurant
            k. Personal services
            l. Retail sales
            m. Utility facility, minor
            n. Contractor's establishment.

ii. That for the redevelopment or new development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting 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 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.

8. That the variance filed under DAV 09-108058D and outlined in Schedule “B” shall be approved and the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 203/ 2009.

9. That the conditional use filed under DCU 09-108054D and outlined in Schedule “B” shall be approved and the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 203/ 2009.

REASON FOR THE REPORT

Pursuant to The Winnipeg Charter, an application can be made to amend the zoning by-law under section 275 (1) (a) and to approve a conditional use and variance under section 275 (1) (b). Section 278 (1) of the Charter provides for a combined public hearing.

Any decision by the Community Committee on an application for a variance or a conditional use

may be appealed to the Appeal Committee for a new public hearing, In accordance with section 251 of the City of Winnipeg Charter.

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved if the proposed development:

a) is consistent with Plan Winnipeg and any applicable secondary plan;
b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
c) is compatible with the area in which the property to be affected is situated.

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Variance application may be approved if the proposed development:

a) is consistent with Plan Winnipeg and any applicable secondary plan;
b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
d) is compatible with the area in which the property to be affected is situated.

KEY ISSUES

Applicant: Guy Lambert (Les Missionaires Oblates de Saint-Boniface)

Owner: Les Peres Blancs Missionaires D'Afrique

Location: 228 Hamel Avenue at Aulneau Street, Central St. Boniface Neighbourhood (5.502), St. Boniface Ward, Riel Community.

Legal Description: LOT 38-39, BLOCK 2, PLAN 1209

SITE DESCRIPTION

Size:	11,000 square feet ('Planned Area' subject land in rezoning Schedule "A")
Plan Winnipeg:	Neighbourhood Policy Area
Zoning:	'R2' – Two-Family Residential
Current Land Use:	Missionary House (Multi-Family Residential)



Figure 1: 2005 air photo map of subject parcel and surrounding context

Surrounding Land Uses And Zoning: The surrounding area (north, east and south) is zoned "R2" Two-Family Residential and consists of a mix of single, two-family and multi-family dwellings. To the west across Aulneau Street, College Universitaire de Saint Boniface is zoned "EI" Educational and Institutional.

DESCRIPTION OF PROPOSED DEVELOPMENT

By way of this application, the applicant intends to re-zone the said lands to a "C1" Commercial District from a "R2" Two-Family Residential District in order to establish a social service facility – the Aulneau Renewal Centre. This use also requires Conditional Use approval.

The Aulneau Renewal Centre, currently located one block to the north at Aulneau and De La Cathedrale, offers counselling services to children, families and adults who are struggling with small issues as well as those involved with multiple agencies such as child and family services. 7 counselors, 3 directors and 2 administrative staff would be relocated to the new premises. The

Centre would be open from 8:30 a.m. to 5:00 p.m. with occasional evening meetings. The facility will see approximately four clients per hour for a maximum of 35 per day.

The applicant is also seeking a variance to permit 6 parking spaces rather than the 12 required for this use, and a maintenance variance for a 20.6 foot front yard instead of the maximum of 10 feet required for a "C1" District.

A. PLAN WINNIPEG

- The proposed development is compatible with Plan Winnipeg given its location in a Neighbourhood Policy Area. Plan Winnipeg promotes vibrant neighbourhoods "by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including…low intensity ancillary uses such as commercial, educational, recreational, religious, and institutional uses at a scale and density compatible…" (3B-01).

B. DEVELOPMENT CONSIDERATIONS

1. Zoning By-Law 200/2006

Social Services Facility Use

Provides social or welfare services to those in need, for no fee or compensation, or at a fee recognized as being less than charged by profit-making organizations. Services may include but are not limited to information and referral services, counselling, skill development programs, alcohol, drug, or substance abuse counselling centre, and drop-in or activity space. This use is Conditional in "C1" Commercial areas as it is deemed to have the potential to impact the character of a neighbourhood.

Dimensional Standards

The zoning district proposed for the development is Commercial Neighbourhood - "C1". The character of the "C1" zoning district is small, compact uses integrated within the neighbourhood, surrounded by residential uses, where a significant number of customers/clients would arrive on foot. As such, the intent is for the entrance to be brought up to the sidewalk (maximum ten foot front yard). Because the proposal is for the reuse of an existing building from 1910 that greatly contributes to the character of the neighbourhood, a front yard variance from 10 feet to 20.6 is appropriate. The front yard requirement under the existing "R2" zoning is a minimum of 25 feet. Nearby properties along Hamel Avenue are similar in setback to the subject site.

Parking

Due to parking spillover from nearby colleges much of the surrounding area has two-hour limited on-street parking. The applicant acknowledges the risk of additional spillover as a result of the proposed facility and the concerns that this creates. Negotiations are in progress with College Universitaire de Saint Boniface to permit some of the Aulneau Renewal Centre's parking on College property.

The Aulneau Renewal Centre currently has only staff parking at their 601 Aulneau Centre location with clients using on-street parking. The parking shortfall at the subject property (228

Hamel) will be identical, with only staff parking accommodated on site. This will shift spillover impacts one block to the south, but does not make it any better or worse for the neighbourhood at large. 601 Aulneau Street, meanwhile, is slated to be redeveloped with additional on-site parking in excess of the minimum zoning by-law requirements.

2. Compatibility with Existing Neighbourhood

Central St. Boniface is a typical mixed-use neighbourhood on the edge of downtown. While Provencher Boulevard serves as the commercial hub, institutional and commercial uses can be found on many corner sites. The proposed use is more intensive than the existing use of the property. However, it can also be seen as similar in many ways to the long-standing efforts and practice of the White Fathers Missionnaries. The location is across from a major institution and on a bus route. Much of Aulneau Street is atypical of an "R2" Two-Family District, including other institutions and higher density residential. The Planning and Land Use Division recommends a condition limiting any future change in use to only the least intensive "C1" uses.

The Planning and Land Use Division is also encouraged by the reuse of a beautiful landmark building. Although it is not protected under the Historical Buildings Conservation System, it is a tremendous asset to the historical character of this neighbourhood. The Division recommends a condition of plan approval to ensure that any future changes to the building are in keeping with that character. Should this building at some point reach the end of its useable life, the Division would encourage a residential focus for any redevelopment.

3. Land Dedication

As part of the rezoning, the applicant will provide cash in lieu of land dedication based on the change in the market value of the subject property from "R2" to "C1".

C. REASONS FOR RECOMMENDATIONS

The Planning and Land Use Division supports this application for the following reasons:

- The proposed facility already exists at a nearby location in the neighbourhood and is not changing or expanding its operation.
- The proposal makes use of an existing character building.
- There are efforts underway on the part of the applicant to mitigate parking impacts.

D. CONDITIONS OF RECOMMENDATIONS

- The Planning and Land Use Division is recommending that a zoning agreement be entered into that will run with the land and provide additional assurance as to the types of future uses or building changes that might occur on the site.
- "C1" Commercial Neighbourhood zoning permits a variety of uses that could occur on this site in the future (some by Conditional Use). Other compatible "C1" uses include residential, library, day care, community garden, gallery/museum, etc.
- A zoning agreement would be intended to restrict other "C1" uses that could pose a nuisance, either with noise (emergency services, vet, kennel, or contractor's establishment, for example) or with visual impact (utility facility, for example) or uses that generate a higher level of traffic and activity (single-room occupancy, recreation centre, postal depot, retail sales, banks, etc.) or higher parking demand (restaurant or place of worship, for example).

- The zoning agreement would also require review by the Director of Planning, Property and Development of any future changes to the building, parking or signage. The intent is to prevent additions that would increase the potential intensity of use or visual mass. It is also intended to ensure that changes to the existing building do not compromise its historical character.
- The zoning agreement will also ensure that any replacement building in the future will be at a scale and character compatible with the surrounding residential uses.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**X**	
Regulatory (DAZ & DCU)	**X**		**Will permit social services use of the premises.**
Regulatory (Variance)	**X**		**Will permit the redevelopment to keep the existing 20.6 setback and will permit the use to have only 6 parking spaces on site.**
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	
Legal (Contracts)		**X**	
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	

FINANCIAL IMPACT

Financial Impact Statement **Date:**

Project Name: **First Year of Program**

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -
Additional Comments:					

original signed by
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:
Public Works

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Planning and Land Use Division
Prepared by: Kurtis Kowalke
File No. DAZ 203/09 [c/r: DCU 09-108054D; DAV 09-108058D]

Schedule "A" for File No. DAZ 203/09, Riel Community Committee, April 23, 2009

By-Law No. _____

File No. **DAZ 203/09**

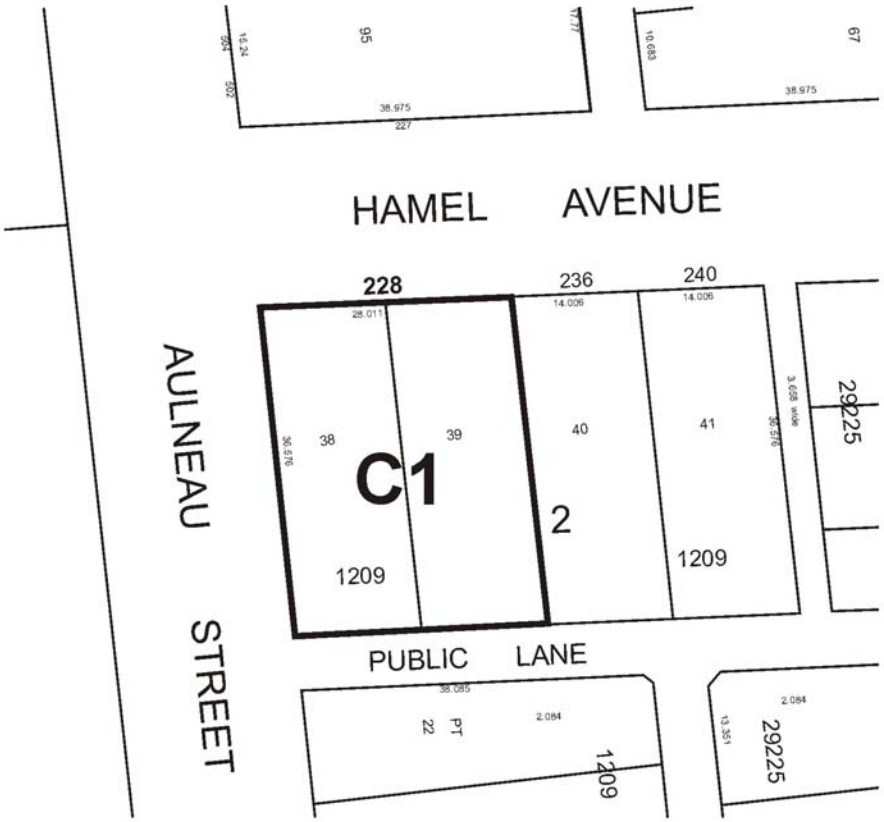
Atlas Sheet No.

N

AA26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 228 Hamel Avenue from an "R2" TWO-FAMILY RESIDENTIAL DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT for the establishment of a social service facility as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” – Variance and Conditional Use requested under Zoning By-Law 200/06

DAV 09-108058/D

To vary the proposed "C1" dimensional standards of Zoning By-Law No. 200/2006 as follows:
1) for the maintenance of an existing building to permit a maximum front yard of 20.6 feet (6.28 metres) instead of 10 feet (3.05 metres) in Urban Infill Area (Map 2);
2) for the establishment of a Social service facility to permit 6 accessory off-street parking spaces instead of 12 spaces.

DCU 09-108054/D

For a Conditional Use under Zoning By-Law No. 200/2006 to permit a Social service facility use.