Agenda - Council – February 23, 2011

Report - Standing Policy Committee on Property and Development – February 8, 2011

Item No. 7 Rezoning - 146 Maryland Street
(Daniel McIntyre Ward)
File DAZ 230/2010

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2011, the Executive Policy Committee concurred in the recommendation 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 230/2010 dated January 25, 2011 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 not be permitted on the land:

            A. contractor's establishment

        ii. That the development shall occur in substantial conformance with plans submitted and attached hereto and identified as Exhibit 5 for File DAZ 230/2010.

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

        iv. That for the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – February 8, 2011

v. 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.

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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 Director of Legal Services and City Solicitor 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 – February 8, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 8, 2011, 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 February 1, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 146 Maryland Street**
File DAZ 230/2010

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

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

Report date: **February 2, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service 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 230/2010 dated January 25, 2011 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 not be permitted on the land:

            A. contractor's establishment.

        ii. That the development shall occur in substantial conformance with plans submitted and attached hereto and identified as Exhibit 5 for File DAZ 230/2010.

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

        iv. That for the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

v. 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.

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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 Director of Legal Services and City Solicitor 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 a benefit to neighbourhood and no one will be negatively affected by it.

PUBLIC HEARING SUMMARY

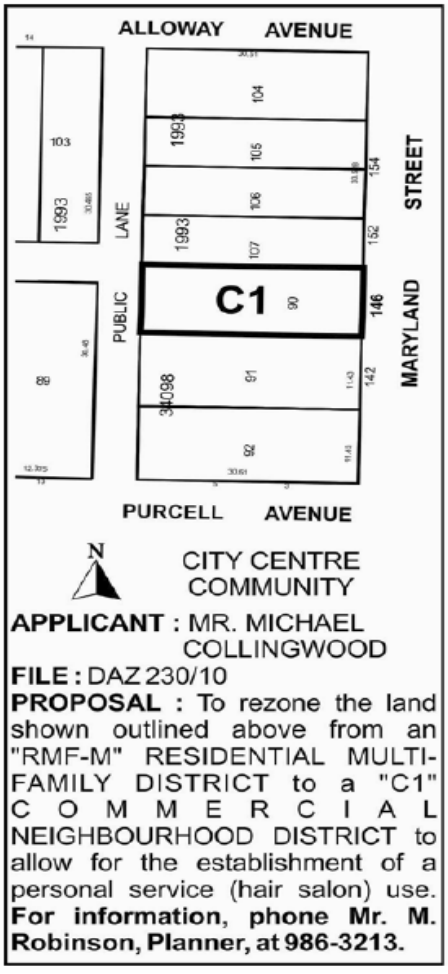
File: DAZ 230/2010

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

Public Hearing: February 1, 2011
West Committee Room
Council Building, 510 Main Street

Applicant: Michael Collingwood

Subject:



Premises Affected: 146 Maryland Street

Exhibits Filed:

1. Application dated December 10, 2010
2. Notification of Public Hearing dated December 23, 2010
3. Manitoba Status of Title 2492320
4. Surveyor's Building Location Certificate and sketch dated November 18, 2010
5. Plans (2pages)
6. Report from the Planning and Land Use Division dated January 25, 2011
7. Inspection Report
8. Communication dated January 28, 2011, from Jennifer Altemeyer in opposition to the application
9. Audio Recording for public hearing

REPRESENTATIONS:

In Support:

Michael Collingwood
Richelle Healey

In Opposition

Jennifer Altemeyer

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 230/2010

ADMINISTRATIVE REPORT

Title: DAZ 230/2010 – 146 Maryland Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 230/2010 – 146 Maryland AVE

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

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 230/2010 dated January 25, 2011 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 not be permitted on the land:
            A. contractor's establishment.

        ii. That the development shall occur in substantial conformance with plans submitted and attached hereto and identified as Sheet 1-2 for File No. DAZ 230/2010 dated December 10, 2010

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

iv. For the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

v. 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.

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 the 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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, permits may be issued.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

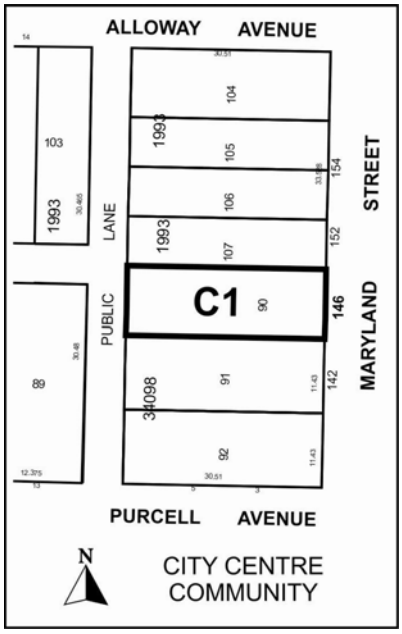
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	January 25, 2011
File No.	DAZ 230/2010

APPENDIX 'A'

DATE: January 25, 2011
FILE: DAZ 230/2010
RELATED FILES: DAV 10-1783787/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.113

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family District to a "C1" Commercial District

LOCATION: 146 Maryland AVENUE
LEGAL DESCRIPTION: Lot 90 Plan 34098



APPLICANT: Michael Collingwood
408 Eugenie Street
WINNIPEG MB R2H 0Y8

OWNER: Same as Above

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "RMF-M" Residential Multi-Family, is located on Maryland Street, between Alloway and Purcell Avenues, in the Wolseley neighbourhood of the Daniel McIntyre ward.

North: Apartment building zoned "RMF-M" Residential Multi-Family District
South: Residences zoned "RMF-M" Residential Multi-Family District
East: Maryland Street, then residences zoned "RMF-M" Residential Multi-Family District
West: Residences zoned "R2" Residential Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant has purchased a 100 year old home on Maryland Street, near Westminster Church, and seeks approval to rezone the property in order to renovate the home and convert it into a hair salon and spa.

The applicant has operated the subject business (Level Hair and Spa) in St. Boniface since 2006 but wishes to relocate the business to the West Broadway/Wolseley area in order to grow the business and because many of his clientele come from this area of the City.

The applicant intends to maintain the residential character of the building

Reason for application
In order to establish a commercial use at the subject location, a rezoning to a "C1" Commercial zoning district is required.

ANALYSIS AND ISSUES
Larger Context
The commercial strip centered around Sherbrook Street and Westminster Avenue is changing in a positive way. New business are moving in and many existing businesses are thriving. With this success brings growth pressures.

These growth pressures often are focused around several issues including parking and the expansion of the commercial areas outside of their long established boundaries.

In this case, the applicant seeks approval to rezone a house on Maryland Street to a "C1" Commercial District. This location is outside of the established commercial zone, which is primarily contained to Sherbrook Street, with a few exceptions. Consequently, this forces the question of whether commercial development should be permitted on Maryland Street and if so, how much is desirable?

Complete Communities
The City's new land use and development plan "Complete Communities", which is awaiting final approval by the Province, says the following about Community Mixed Use Corridors:

They act as "main streets" for one or more neighbourhoods, providing a strong social function. They often have strong historical connections to their communities, have assumed significant transportation functions over time, are served by frequent and direct transit and typically support a mix of uses within a pedestrian friendly environment.

Community Mixed Use Corridors provide opportunities for moderate levels of intensification of both population and employment over time, Intensification efforts could include an increased proportion of clustered, multiple storey buildings with retail and commercial services at grade level.

While Sherbrook Street is clearly the main commercial mixed use corridor for this area, Maryland Street, given that it is a transit route, a regional street, already has some degree of commercial and multi-family development, and includes older housing stock and vacant lots which offers opportunities for redevelopment, should be considered for commercial/mixed use development, at targeted locations and at a scale and form that are compatible with the area.

With that said, as a first take at defining an area for future commercial/mixed use development on Maryland Street, the Planning and Land Use Division is of the opinion that properties on Maryland Street between Sara Avenue (north) and Wolseley Avenue (south) should, in most cases, be able to accommodate commercial and/or mixed use development.

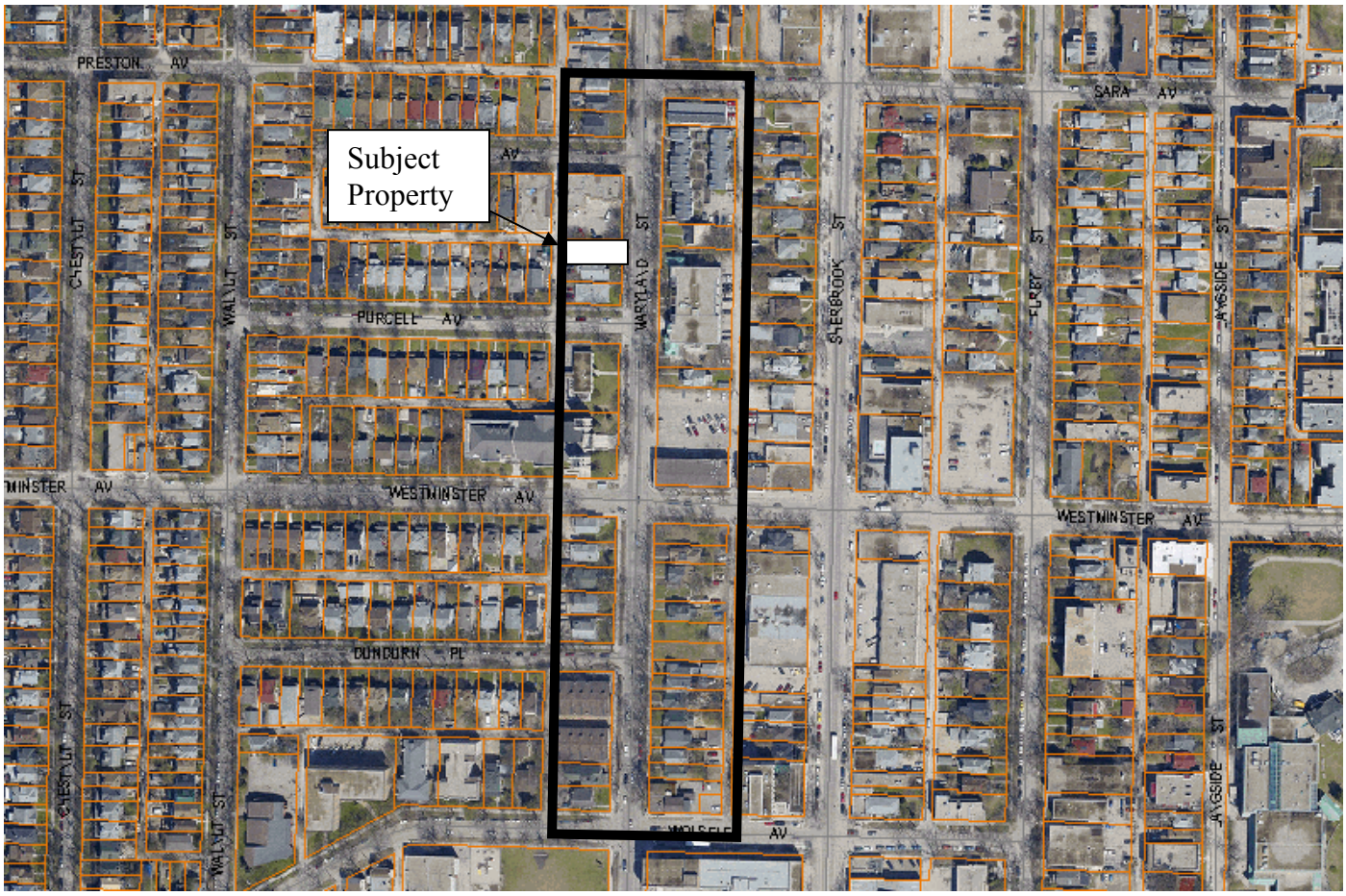


Figure 1: Area that may be able to accommodate future commercial/mixed use development

At this point, this early level of analysis is helpful in analyzing the appropriateness of this application and future rezoning applications which may occur on Maryland Street both within and outside of this outlined area.

However, in the future, a broader strategy will be required for this corridor to examine the most appropriate zoning, the desirable form and scale of buildings, and other possible issues.

Until the broader strategy occurs, rezonings will have to be evaluated on a case by case basis.

Plan Winnipeg 2020
Until Complete Communities and Our Winnipeg are formally adopted by the Province, Plan Winnipeg 2020 continues to serve as the City's land use and development plan. Under Plan Winnipeg 2020,

the subject property is located within a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Subject Property
While the Planning and Land Use Division supports the rezoning, the Division recommends that the structure be maintained, which the applicant is planning to do

To that point, conditions are being recommended which will ensure that the residential character of the building is maintained, that undesirable land uses are not allowed, and that signage and lighting are respectful of the surrounding context.

Conditions of Approval

Use restriction
The Division is recommending the prohibition of one use, contractor's establishment, which is permitted in the "C1" Commercial District. This prohibition is intended to prevent land use conflicts from occurring in the future.

Plan Approval
The applicant intends to renovate the existing structure to accommodate his business. However, in the event the building is ever destroyed or outlives its useful life, the plan approval is intended to ensure that the replacement structure is reviewed to ensure that it is compatible with the area.

Signage Approval
The plan approval for signage is intended to ensure that signage is compatible with the surrounding context and that the placement, size, and lighting of signage are not distracting or obtrusive to surrounding properties.

Temporary sign restriction
This condition restricts the erection of temporary signs on the property, to ensure compatibility with the surrounding area. This condition does not prohibit the erection of permanent signs such as fascia (wall) signs or freestanding signs.

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

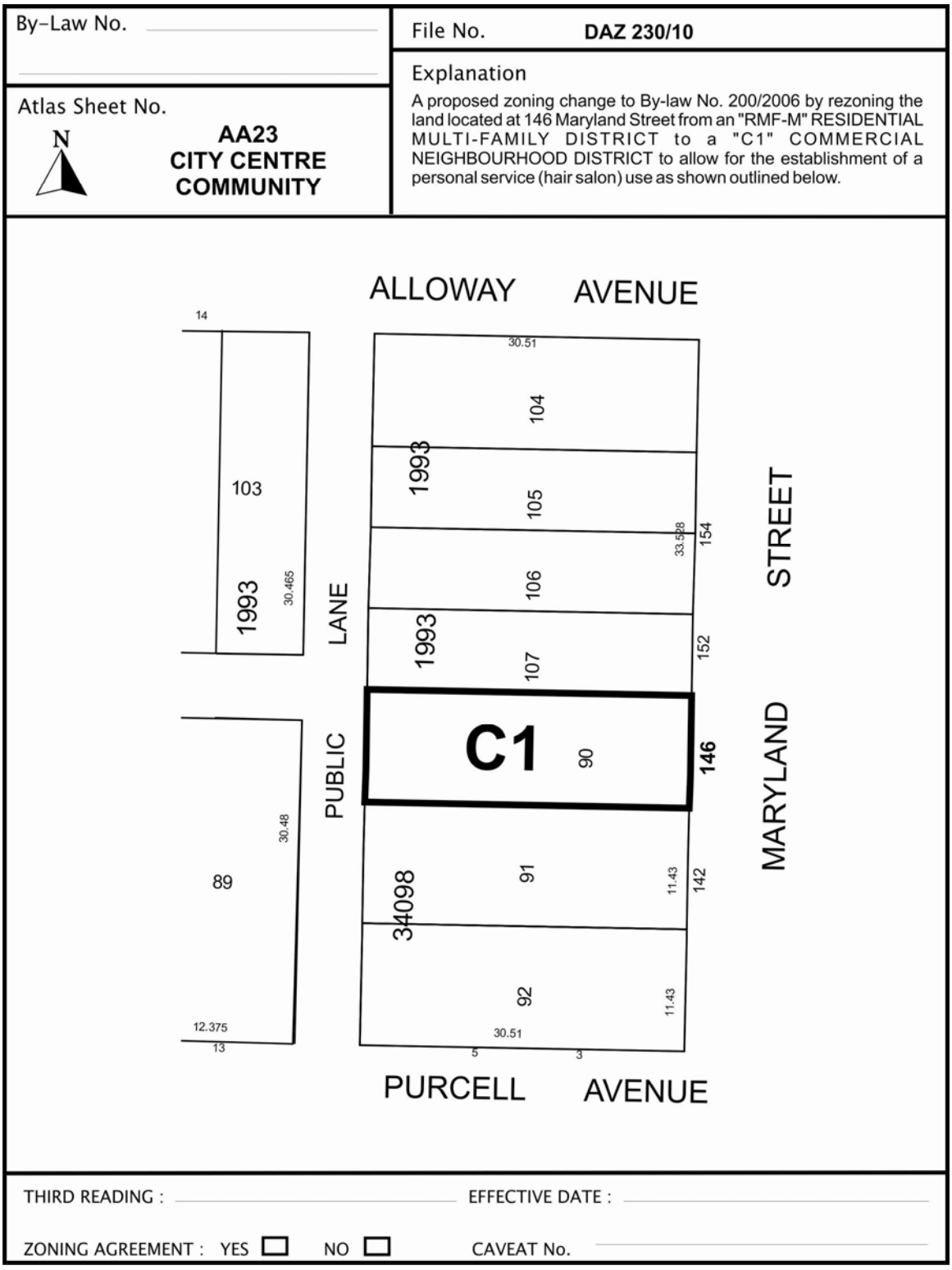
- The proposed rezoning is consistent with policy direction provided in Complete Communities and Plan Winnipeg 2020
- The rezoning is compatible with the area
- The new business will not have an adverse impact on adjoining properties
- The applicant is proposing to renovate a 100 year old structure
- The business will add to the growing vitality of the area
- The investment will hopefully lead to positive spin offs for the area

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

APPENDIX "B"

Schedule "A" for File No. DAZ 230/2010, City Centre Community Committee, dated January 25, 2011



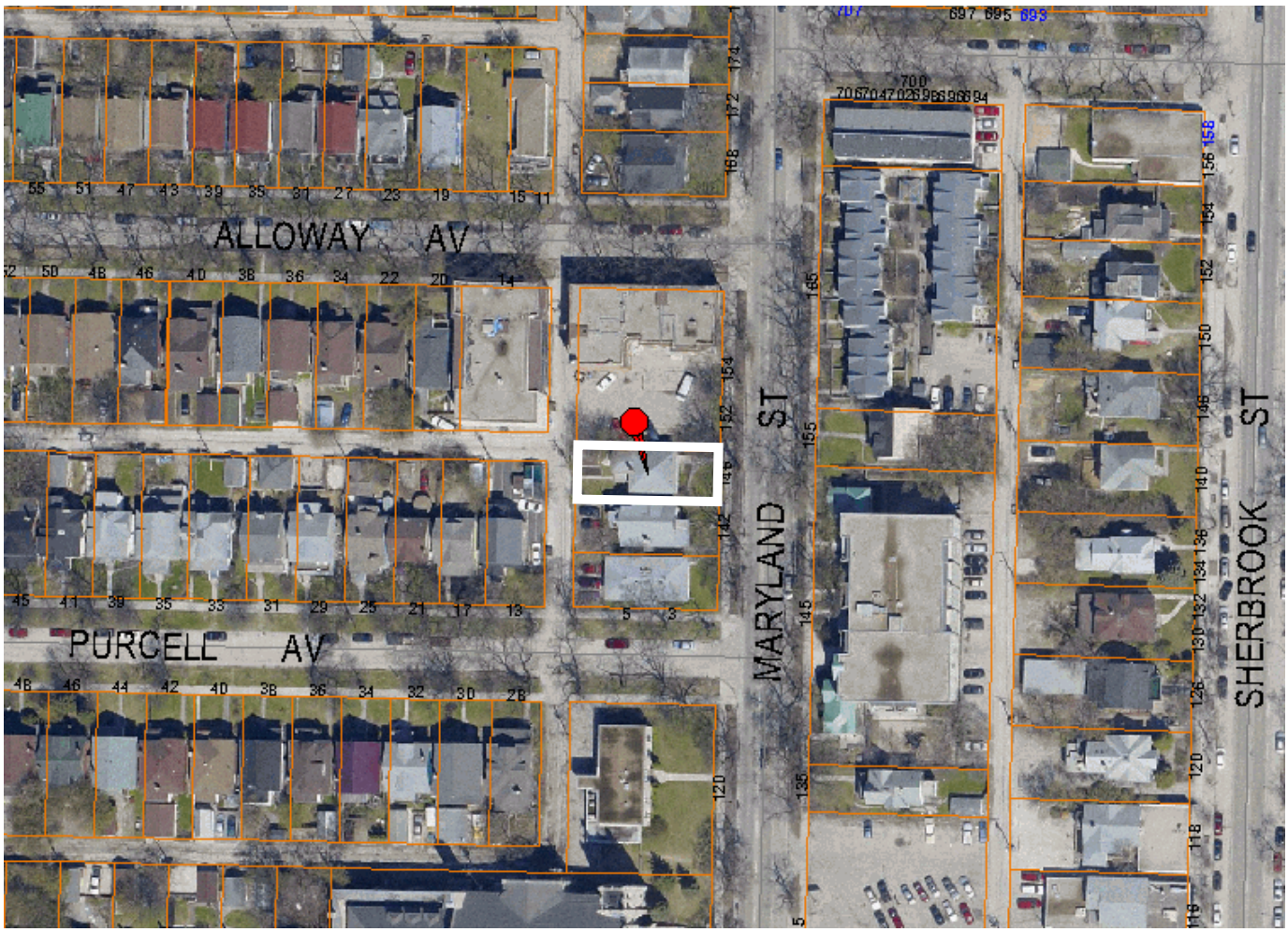
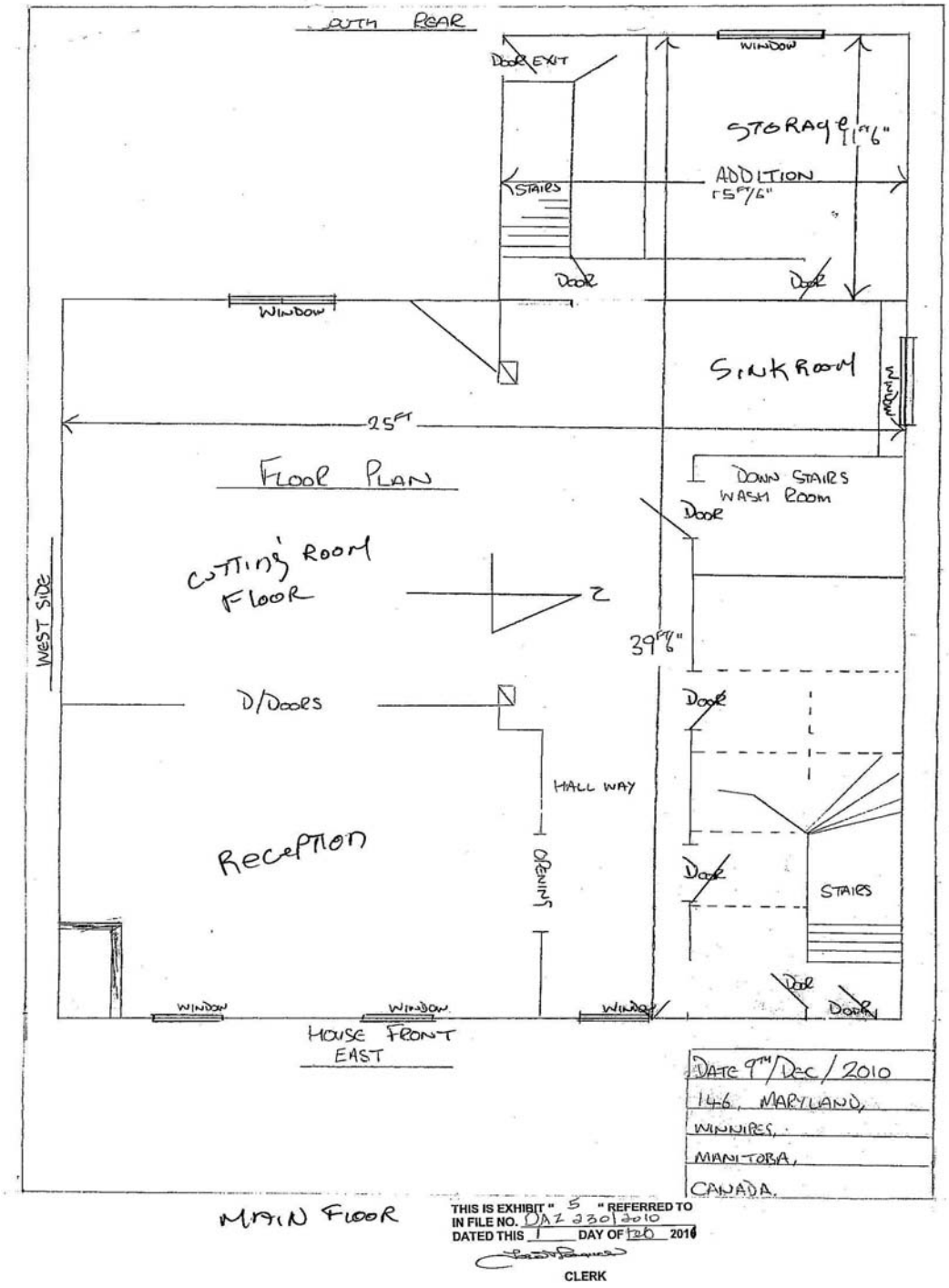
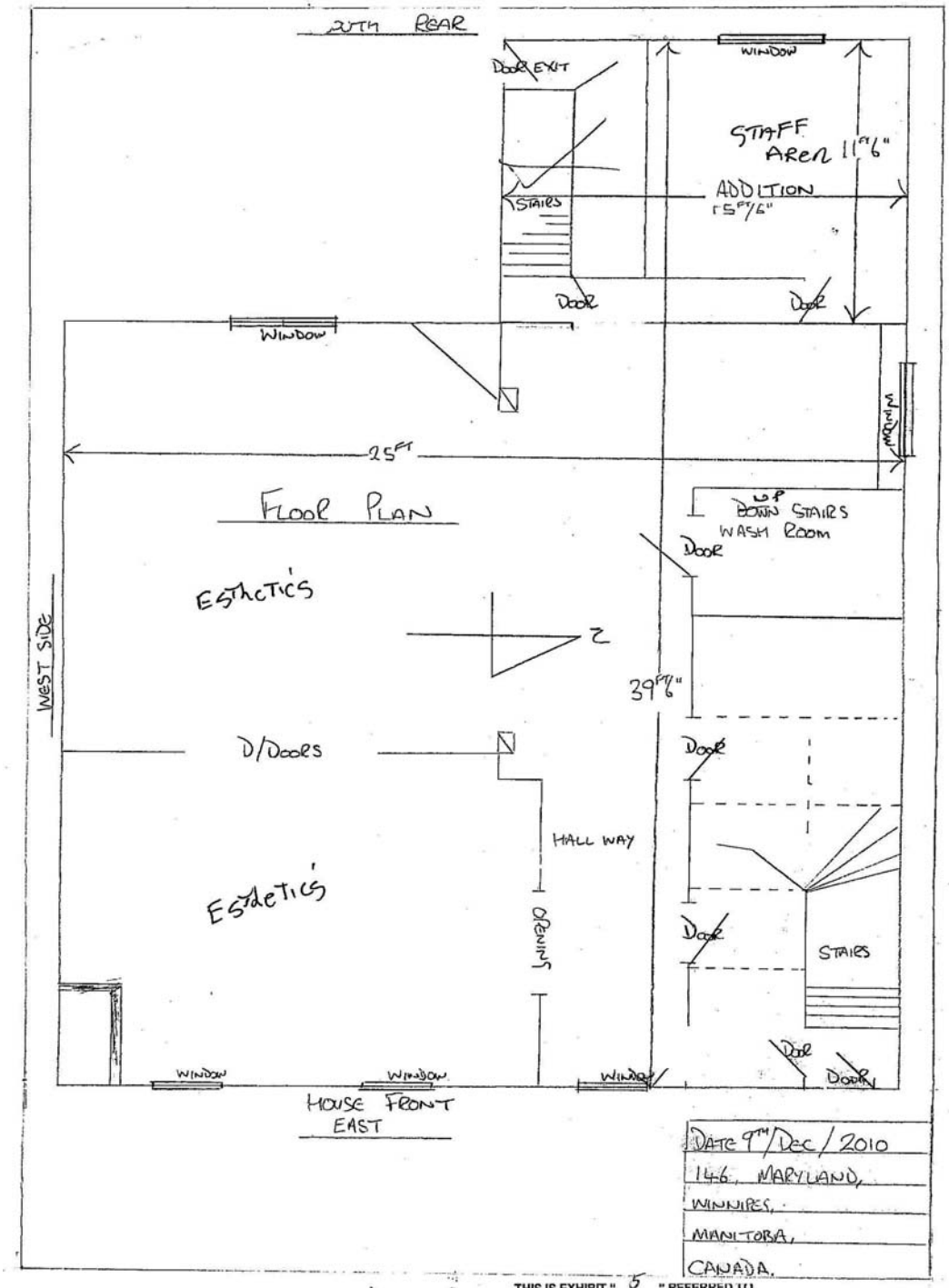


Figure 1: Aerial Photo (Flown in 2009)

Exhibit “5” referred to in File DAZ 230/2010





Second Floor

THIS IS EXHIBIT " 5 " REFERRED TO
IN FILE NO. DAZ 230/2010
DATED THIS 1 DAY OF Feb 2010

CLERK