Minute No. 365
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 5 Rezoning – 66 Moore Avenue
(St. Vital Ward)
File DAZ 203/2011 [c/r DAV 107732/2011D)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by 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 203/2011 dated March 23, 2011 to a "C2" Commercial Community 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 no principal building or portion of a principal building shall be constructed within 200 feet (60.96 metres) of the west property line;

        ii. That the maximum height of any building shall be no greater than 35 feet;

        iii. That the land be restricted as follows:

            a. The following uses shall be conditional on the land:

                1. Neighbourhood Rehabilitation Home
                2. Single-Room Occupancy
                3. Place of Worship
                4. Amusement Enterprise, Indoor
                5. Auditorium/Concert Hall/Theatre/Cinema
                6. Hostel
                7. Hotel or Motel
                8. Restaurant
                9. Landscape or Garden Supplies
                10. Supermarket
                11. Drive-In or Drive-Through

Report - Standing Policy Committee on Property and Development – May 10, 2011

COUNCIL DECISION (continued):

b. The following uses shall not be permitted on the land:

1. Drinking Establishment
2. Advertising Sign
3. Auto/Light Truck/Motorcycle, Repair & Service
4. Auto/Light Truck/Motorcycle, Sales & Rental
5. Auto Parts and Supplies, Sales
6. Fuel Sales
7. Contractor's Establishment
8. Recycling Collection Centre

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That no illuminated signage shall be erected within 340 feet of the west property line.

vi. That any free-standing use identification sign shall not exceed eight (8) feet above grade in height;

vii. That there shall be no mobile signs, poster signs and A-frame signs on the entire site.

viii. That for the development of any 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.

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.

Report - Standing Policy Committee on Property and Development – May 10, 2011

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 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 – May 10, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee with the following amendments:

- Delete Recommendation 1.A.iii.b.7 (Parking, Structures)
- Delete Recommendation 1.A.iii.b.8 (Parking, Surface)
- Renumber the recommendations accordingly,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 10, 2011, 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 April 18, 2011, the Riel 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 – 66 Moore Avenue**
File DAZ 203/2011 [c/r DAV 107732/2011D)

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

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

Report date: **April 19, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 18, 2011, the Riel 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 203/2011 dated March 23, 2011 to a "C2" Commercial Community 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 no principal building or portion of a principal building shall be constructed within 200 feet (60.96 metres) of the west property line;

        ii. That the maximum height of any building shall be no greater than 35 feet;

        iii. That the land be restricted as follows:

            a. The following uses shall be conditional on the land:

                1. Neighbourhood Rehabilitation Home
                2. Single-Room Occupancy
                3. Place of Worship
                4. Amusement Enterprise, Indoor
                5. Auditorium/Concert Hall/Theatre/Cinema
                6. Hostel
                7. Hotel or Motel
                8. Restaurant
                9. Landscape or Garden Supplies
                10. Supermarket
                11. Drive-In or Drive-Through

b. The following uses shall not be permitted on the land:

1. Drinking Establishment
2. Advertising Sign
3. Auto/Light Truck/Motorcycle, Repair & Service
4. Auto/Light Truck/Motorcycle, Sales & Rental
5. Auto Parts and Supplies, Sales
6. Fuel Sales
7. Parking, Structured
8. Parking, Surface
9. Contractor's Establishment
10. Recycling Collection Centre

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That no illuminated signage shall be erected within 340 feet of the west property line.

vi. That any free-standing use identification sign shall not exceed eight (8) feet above grade in height;

vii. That there shall be no mobile signs, poster signs and A-frame signs on the entire site.

viii. That for the development of any 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.

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 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 March 23, 2011.

PUBLIC HEARING SUMMARY

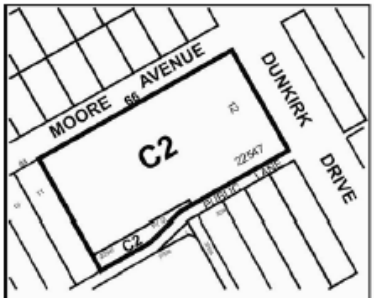
File: DAZ 203/2011 [c/r DAV 107732/2011D)

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves

Public Hearing: April 18, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Boulevard Consultants (Ray Simard)

Subject:



RIEL COMMUNITY

APPLICANT: BOULEVARD CONSULTANTS
FILE: DAZ 203/11
PROPOSAL: To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of an office use in an existing building. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : BOULEVARD CONSULTANTS
N° DE RÉFÉRENCE : DAZ 203/11
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) afin de permettre l'établissement de bureaux dans un bâtiment existant.. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 66 Moore Avenue

Exhibits Filed:

1. Application dated February 11, 2011
2. Notification of Public Hearing dated February 25, 2011
3. Manitoba Status of Titles 1671325 and 2379570
4. Letter of authorization dated January 14, 2011 from Sister Evelyn Pierret to Sara Riel Foundation Inc. (the purchaser) and its representative, Raymond Simard of Boulevard Consultants
5. Surveyor's Building Location Certificate and sketch dated February 3, 2011
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated March 23, 2011
8. Inspection Report
9. Communication dated April 18, 2011, from Jan Carmichael in opposition to the application
10. Presentation and supporting documentation in support of the application submitted by Veronica Hicks at the Public Hearing

REPRESENTATIONS:

In Support:

Rachel DeGagné
Veronica Hicks
Christopher Kozier
Raymond Lafond
Diane Lau
Daniel Lussier
Eveline Palud
David Pattman
Evelyn Pierret
Barrie Ottenbreit
Sonny Renaud
Guy Savoie
Gary Tessier
Maurice Therrien

In Opposition

Jan Carmichael
Louise Coderre
Domenico Di Santo
Steve MacCharlesJanice Meilleur
Ben Richards

For Information:

Daniela Andrejowich
Shirley Denesiuk
Joy Girde
Mike Gross
Aurele LeClaire
Phil and Marlene Ould
Debbie Whyte

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 203/2011

ADMINISTRATIVE REPORT

Title: DAZ 203/2011 – 66 Moore Avenue Public Hearing

Issue: For consideration at the Public Hearing for a rezoning from R1-M to C2 to accommodate the conversion of the existing building on the site to an office use.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council 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 203/2011 dated March 23, 2011 to a "C2" Commercial Community 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:

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8. Restaurant
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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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the 1.88 acre site from “R1-M” Residential Single-Family Medium to “C2” Commercial Community to facilitate the conversion of the 32,000 square foot building on the site into an office.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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, the land will be rezoned from R1-M to C2.

HISTORY

- N/A

CONSULTATION

- In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	March 23, 2011
File No.	DAZ 203/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 203/11
3. Appendix B – Design Guidelines

APPENDIX 'A'

DATE: March 23, 2011

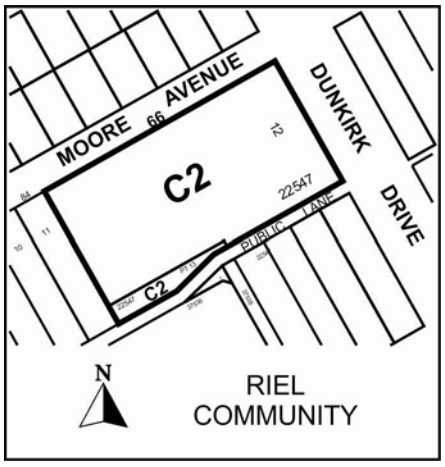
FILE: DAZ 203/11
RELATED FILES: DAV 11-107732/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.521

SUBJECT: To rezone the subject land from "R1-M" Residential Single-Family Medium to "C2" Commercial Community to allow for the establishment of an office use in the existing building on the site.

LOCATION: 66 Moore Avenue

LEGAL DESCRIPTION: LOT 12 PLAN 22547 42/44 ST V



APPLICANT: Raymond Simard (Boulevard Consultants)
475 Provencher Boulevard Unit 304
Winnipeg, MB. R2J 4A7

OWNER: La Congregation Des Filles De La Croix
66 Moore Ave
Winnipeg, MB. R2M 2C4

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the 1.88 acre site from "R1-M" Residential Single-Family Medium to "C2" Commercial Community to facilitate the conversion of the 32,000 square foot building on the site into an office.
- The applicant explains that the building is being purchased for administrative office space for Sara Riel Inc.
- Sara Riel Inc. will use approximately 7,000 – 9,000 square feet of the building for office space (approximately 25% of the gross floor space of the building) and intends to lease the remaining office floor space to other compatible tenants.
- The application includes City-owned land that was declared surplus by Council on February 23, 2011. Both the City-owned land and the rest of the subject site will be placed on one title and will form one zoning lot.
- A variance application (DAV 11-107732/D) is also required for the rear yard setbacks of two existing accessory structures.
- The Planning and Land Use Division recommends supporting this application subject to conditions included in the recommended zoning agreement.

SITE DESCRIPTION

- The subject property is located on the southwest corner of the Moore Avenue and Dunkirk Drive intersection in the Pulberry neighbourhood of the St. Vital Ward.
- The subject site is comprised of both City-owned land and land owned by La Congregation Des Filles De La Croix.
- In total, the site is approximately **1.88 acres (81,840 square feet) in area**. The City-owned land is located at the rear southwest portion of the site and is 4,650 square feet in area. The La Congregation Des Filles De La Croix property is approximately 390 feet wide and 203 feet deep (1.8 acres in area).
- The applicant has offered to purchase the City-owned land. On February 23, 2011, Council declared the City land surplus in order to sell the land to the applicant. The City of Winnipeg Real Estate Division has provided a letter of permission to allow the applicant to include the subject City-owned land in the rezoning application.
- The site contains a two-storey (approximately 22.5 foot tall) brick building that has total floor area of approximately 32,000 square feet.
- This building has been used as a convent for the Sisters. There were approximately 60 Sisters in the convent during its peak period of use. The applicant explains that the building was used for administrative offices, housing for seniors, and infirmary care. The 23 Sisters that remain in the building and the related services are in the process of moving to a new facility by June or July 2011.
- The site includes a large, undeveloped greenspace to the west of the building with several mature trees on the site.

- Parking is located behind the building and there is also a parking and pick-up/drop-off area located in the front.
- There are also detached accessory structures (a garage and shed) located behind the principal building.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and within the Areas of Stability – Recent Communities Policy Area under the *Draft* Complete Communities Direction Strategy. The property is zoned "R1-M" Residential Single-Family Medium.

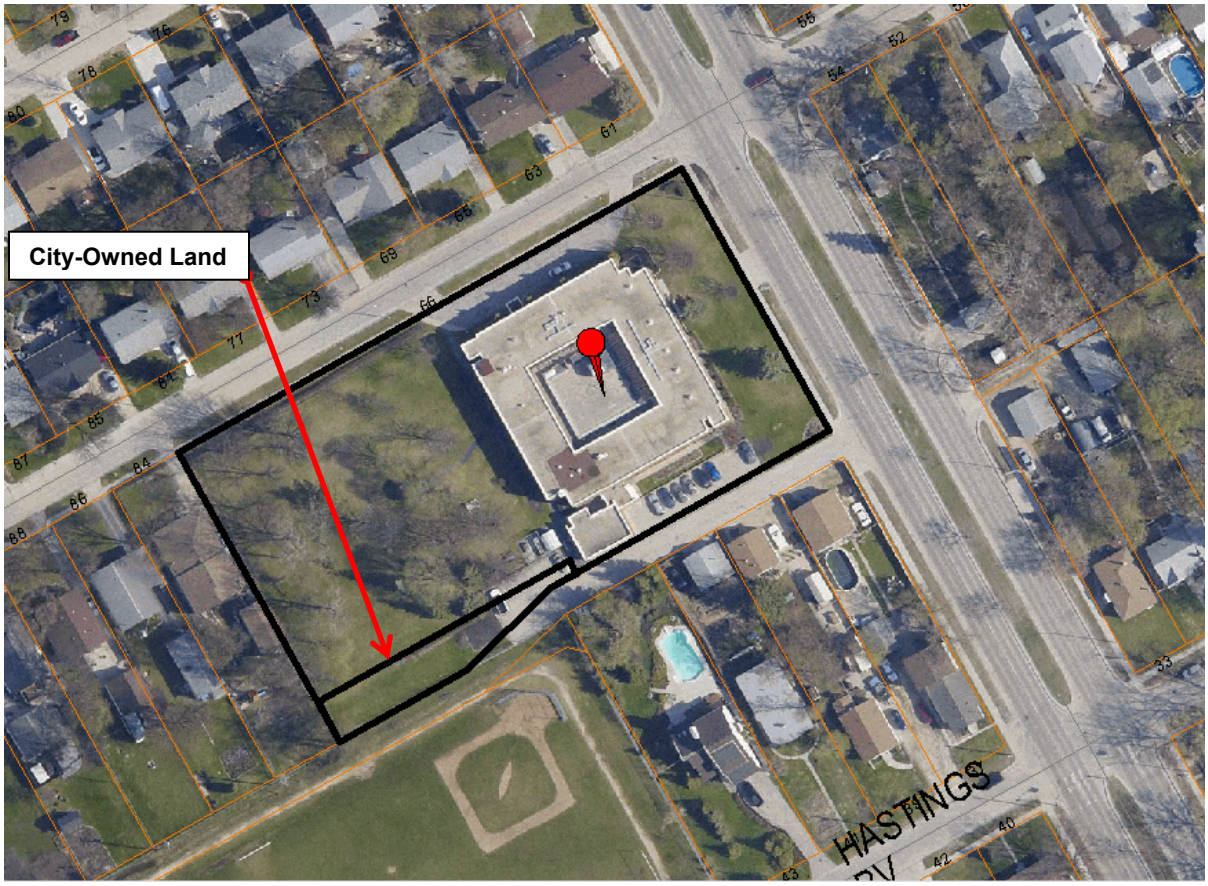


Figure 1: Aerial photograph showing approximate area of subject property and City-owned portion (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

South: Detached single-family homes and two schools (Hastings School and Ecole Marie-Anne-Gaboury) zoned “R1-M” Residential Single-Family Medium.

East: Dunkirk Drive and detached single-family homes zoned “R1-M” Residential Single-Family Medium

West: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

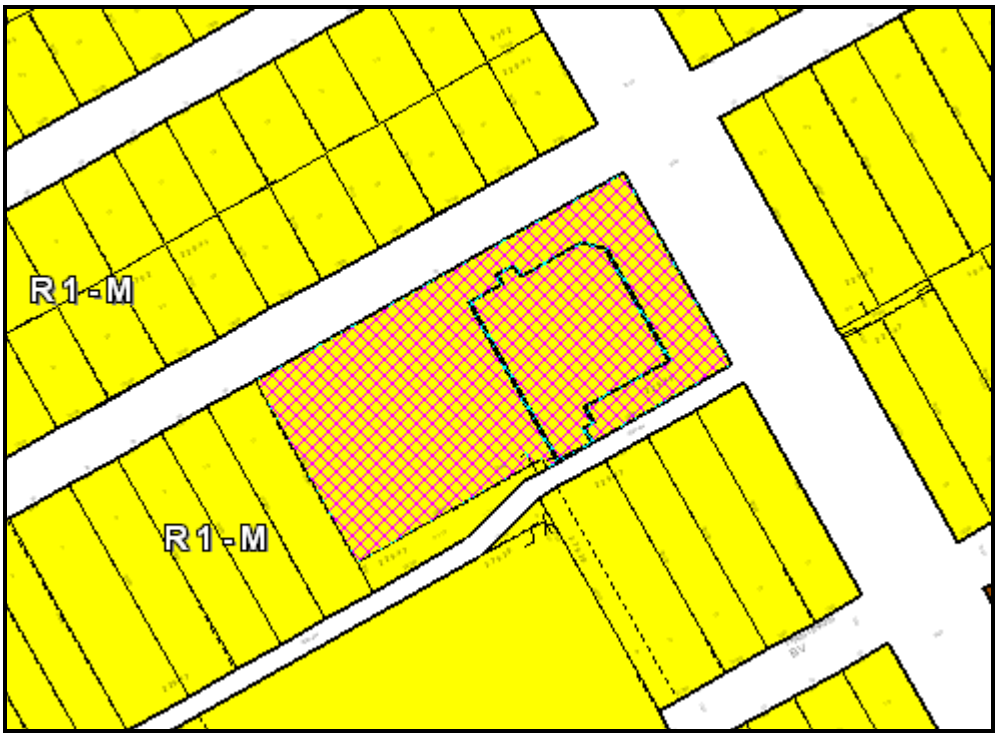


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family Medium to “C2” Commercial Community to facilitate the conversion of the principal building into an office.
- Both the City-owned land and the rest of the subject site will be placed on one title and will form one zoning lot.
- The applicant explains that the building is being purchased for administrative office space for Sara Riel Inc.
- Sara Riel Inc. is a not-for-profit organization that provides counseling and support services to people with mental health issues who are living in various dwellings throughout the City of Winnipeg.

- Sara Riel Inc. will use approximately 7,000 – 9,000 square feet of the building for office space (approximately 25% of the gross floor space of the building) and intends to lease the remaining office floor space to other compatible tenants.
- The applicant anticipates that Sara Riel will have approximately 35 people working in the building and that in total, there will be about 100 people working in the building.
- The applicant is proposing to use the existing established 17 parking stalls that are located behind the building and develop 5 parking stalls in the front for a total of 22 parking stalls on the site in the immediate term. The applicant intends to integrate more parking stalls on the site (up to 79 stalls) when more tenants occupy the building.
- The minimum number of parking stalls required for office uses in a 32,000 square foot building is 43.
- The applicant has submitted a parking management plan instead of a variance in conjunction with the rezoning application because the long-term plan for the site is to provide more parking than required under the zoning by-law. However, the future development of the parking lot will depend on the occupancy of the building. Therefore the plan is to undertake the future development of new parking spaces in phases.
- A variance application (DAV 11-107732/D) is also required for the rear yard setbacks of two existing detached accessory structures.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this application, the relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Encourage intensification to occur at centres and along corridors.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment, and community facilities.

ZONING

"R1-M" Residential Single-Family Medium District

- Principal non-residential structures require the following dimensional standards in the R1-M District: a minimum lot width of 25 feet, minimum lot sizes of 20,000 square feet, side yards of 25 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 50%.

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. Non-residential structures in the C2 zone require the following dimensional standards: a minimum front, side and corner side yard of 0 feet, and a rear yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 3.0.

LAND USE BY-LAW

Rezoning

- Sara Riel Inc. needs to rezone the subject site from R1-M to C2 in order to convert the existing building on the land from a convent to an office use. Office uses are not permitted under the R1-M zoning district but are permitted within the C2 zoning district.

Variance

- A variance application is required in order to maintain the rear yard setbacks of existing detached accessory structures on the land. Under the proposed C2 zoning, the minimum rear yard requirement is 25 feet. The existing accessory structures are situated between 4.95 feet and 24 feet from the rear property line instead of the required 25 feet.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The site is located along Dunkirk Drive, which is predominantly surrounded by residential uses.
- Dunkirk Drive is a high capacity arterial. As stated in the Zoning By-Law, C2 districts are intended to be "located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots."

- Although Dunkirk Drive is predominantly surrounded by R1 uses, the subject site is located near a major commercial node as it is approximately 350 metres northwest of the Dunkirk Drive/Dakota Street and St. Mary's Road intersection. Developments in and around this intersection are predominantly zoned C3, C2, and RMF and range in form from single story commercial buildings to tall, multi-storey residential buildings that are greater than six stories in height. However, the subject site does not adjoin these commercial and multi-family zoned properties.
- The applicant is applying to rezone the site in order to reuse the existing two-storey, 32,000 square foot building. The R1 zoning district is among the most restrictive districts in the zoning by-law. Although there are many conditional uses, the only permitted uses in the R1 zone are: single-family detached homes, care homes (under six persons), community gardens, and parks and playgrounds. The fact that the applicant wants to reuse the existing building and that there are so few permitted uses in the R1 zone makes a rezoning application for the site virtually unavoidable.
- The site is wide and extends approximately 400 feet into the neighbourhood along Moore Avenue. By comparison, many commercially zoned properties that front onto St. Mary's Road between St. Vital Road and Dunkirk/Dakota are approximately 100 to 200 feet deep and are often separated from neighbouring residences by a back lane.
- If the property is zoned to C2, a 10-foot wide landscaped buffer along the west property line would be required as per the Zoning By-Law for commercial properties abutting R1 or R2 zones.
- The site is located at the corner of Dunkirk Drive and Moore Avenue. As such, traffic generated to and from the site should not need to travel far through the neighbourhood streets in order to access the facility.

PUBLIC CONSULTATION

- The applicant held a public open house on March 22, 2011 that was attended by approximately 30 people.
- Responses from the 14 people who submitted an exit survey indicated that these people generally:
    - lived near the site;
    - were either neutral (5 residents) or supportive (7 residents) of the proposal;
    - wanted to see that the existing greenspace be retained on the site as much as possible;
    - had concerns about parking on Moore Avenue;
    - had concerns about traffic generated along the back lane or along Moore Avenue;
    - wanted to see that a large commercial development would not go on the site; and,
    - wanted to see that the future proposed parking lot is well-landscaped.

RECOMMENDED ZONING AGREEMENT

- The Division recommends supporting the rezoning to C2, but also recommends including a zoning agreement.
- This approach is suggested in order to balance potential impacts caused by the proposed rezoning. On the one hand, the Division believes that zoning is appropriate in order to accommodate the adaptive reuse of the building on the site. On the other hand, rezoning this very large site to C2 also allows the rest of the property (namely the western portion) to be intensely developed for commercial uses.
- The zoning agreement will include a height restriction, buffers and setbacks to help make future development conform with existing development in the area. Keeping in mind that the site is large and located along a predominantly single-family residential street, the zoning agreement will also restrict less compatible uses by making these uses either not permitted or conditional.

Maximum Height

- The Division recommends a maximum permitted height for development on the site of 35 feet, instead of the 49 foot height limit permitted under the C2 zoning district. The 35 foot height restriction is consistent with the surrounding properties that are zoned R1-M.

Conditional Uses

- Making some uses conditional will allow the Planning and Land Use Division and decision makers to evaluate the proposal and will trigger a public hearing process, which will allow for community input. The conditional use process can also be advantageous for the applicant/developer as conditional use applications take less time to administer and process than rezonings or zoning agreement amendments.
- Specifically, the Division recommends that the following uses be made conditional for this application:
    - Neighbourhood Rehabilitation Home
    - Single-Room Occupancy
    - Place of Worship
    - Amusement Enterprise, Indoor
    - Auditorium/Concert Hall/Theatre/Cinema
    - Hostel
    - Hotel or Motel
    - Restaurant
    - Landscape or Garden Supplies
    - Supermarket
    - Drive-In or Drive-Through

- The above uses have been identified as conditional because they can be controversial or the potential scale that these uses can be developed to on such a large site could make them incompatible with the neighbourhood. However, if developed at a smaller scale, these uses may work very well within the neighbourhood.

Prohibited Uses

- The Division recommends that the following uses not be permitted for this application because these uses are generally not in character with the area and will not help make a positive contribution to the street and neighbourhood:
    - Drinking Establishment
    - Advertising Sign
    - Auto/Light Truck/Motorcycle, Repair & Service
    - Auto/Light Truck/Motorcycle, Sales & Rental
    - Auto Parts and Supplies, Sales
    - Fuel Sales
    - Parking, Structured
    - Parking, Surface
    - Contractor's Establishment
    - Recycling Collection Centre

Setbacks

- The Planning and Land Use Division is recommending that no principal building or portion of a principal building be constructed within 200 feet (60.96 metres) of the west property line.
- Including this recommended condition assures the community that the western portion of the site will not be subdivided or used for other commercial developments without being evaluated at a public hearing.
- The recommended condition does not affect the existing principal building as the building location survey provided in the application shows that the principal building is 206.65 feet away from the west property line. The condition also does not affect the applicant's ability to develop accessory buildings or uses such as a parking lot in this area as the condition only applies to principal buildings.

Signage Restrictions

- Signage restrictions have been added to reduce clutter on the site and to reduce the potential for future signage to disrupt neighbouring properties.

- The recommended condition for illuminated signage will restrict this type of signage from being erected within 340 feet of the west property line. This recommended condition will ensure that if any illuminated signage is placed on the site, it will be along or east of the easternmost wall of the existing building and should minimize the impact of any illuminated signage on most neighbouring residences.

Plan Approval

- The plan approval condition helps ensure that the future proposed developments and site designs are compatible with the neighbourhood.
- The Division would like to see that the existing trees on the site are retained and that the park-like setting be maintained as much as possible. The trees along or near the west and north property lines should be retained in order to maintain a buffer between the site and the neighbouring single-family homes. In future plan approvals, the applicant should survey where the existing trees are and confirm that they will be retained.
- The applicant has provided a concept of the future parking plan for the site. This concept shows that the park-like setting will be maintained through a front yard setback of 91 feet measured from the northern extent of the proposed parking lot to the north property line.
- Other general design guidelines for future plan approvals have been included in Appendix B. Many of these guidelines may not be directly applicable to the application at this time, but have been included to guide future expansion or development on the site if and when it occurs.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- The subject site is located along Dunkirk Drive, which is a high capacity arterial.
- The subject site is located near a major commercial node as it is approximately 350 metres northwest of the Dunkirk Drive/Dakota Street and St. Mary’s Road intersection.

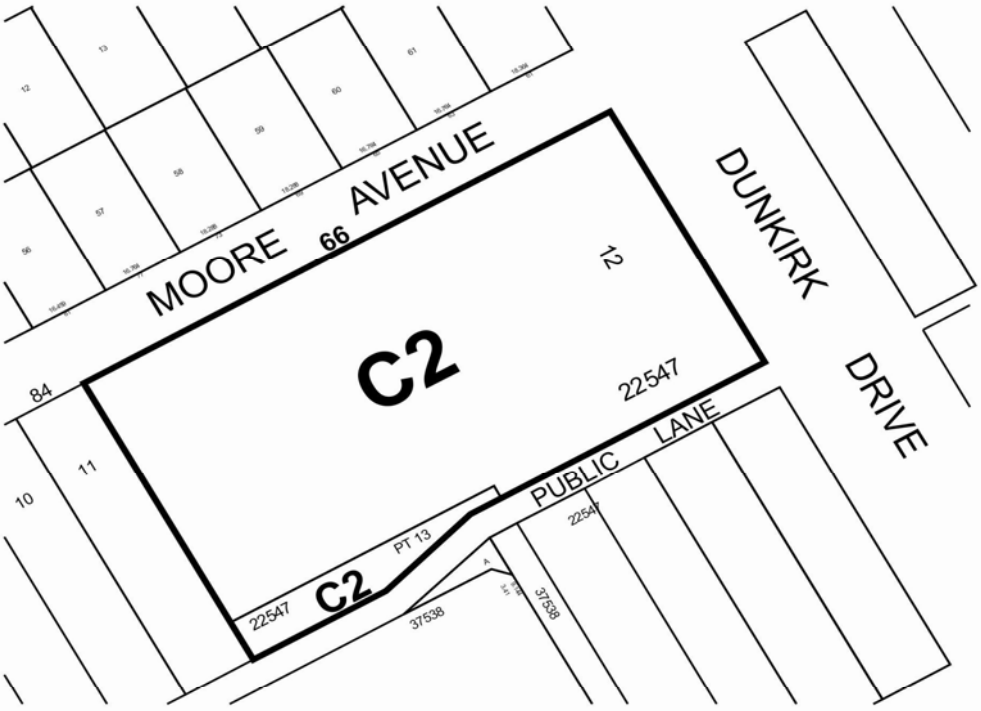
- The applicant wants to reuse the existing 32,000 square foot building, but since there are so few permitted uses in the R1 zone, a rezoning application for the site virtually unavoidable.
- The recommended zoning agreement helps minimize the potential impact on the surrounding neighbourhood from rezoning the site to C2.
- The proposal is consistent with the policies of Plan Winnipeg and the Draft Complete Communities Direction Strategy with the recommended zoning agreement.

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

Report Prepared By: Robert Kostiuk
PPD File # DAZ 203/11

Schedule "A" for File No. DAZ 203/2011, Riel Community Committee, dated March 23, 2011

By-Law No.	File No. **DAZ 203/11**
Atlas Sheet No. N **AG26 RIEL COMMUNITY**	Explanation: A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 66 Moore Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of an office use in an existing building as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DAZ 203/11 – 66 Moore Avenue

1. Site Planning

1.1 An area of common open space that can be easily accessed by employees/visitors to the site should be considered in future site plans. This common area should be purposefully integrated into the overall design of the development and not merely a residual area. Common open space can include gardens, courtyards, or well-landscaped greenspace.

1.2 A well-defined and universally accessible walkway or internal sidewalk system and connections to the public sidewalk system should be included.

1.3 The site layout and building orientation should ensure that the buildings relate appropriately to surrounding developments and to the street and create a cohesive visual identity for the neighbourhood.

1.4 Future development should minimize shadow impact and should be reasonably separated from existing development.

1.5 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.6 Parking areas should be well-screened with landscaping and should include interior landscaping and natural infiltration to help minimize the urban heat-island effect. Existing mature trees should be preserved and large street trees with wide spreading canopies should be incorporated into the design of the parking lot.

1.7 Parking areas should have well-defined routes that lead pedestrians safely from vehicles to the sidewalk and building entrances.

2. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street.

2.2 Main building entries should be clearly identifiable, visible and accessible.

2.3 The overall design should be made up of a distinctive, quality, architectural character and style that avoids monotonous and featureless building massing and design.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

3.2 Existing mature trees should be retained as much as possible to retain the park-like setting of the site.

4. Fencing

4.1 Any proposed fencing should be composed of high quality materials and should include multiple openings to allow for pedestrian ingress/egress.