Agenda – Council – February 22, 2012

Report – Executive Policy Committee – February 15, 2012

Item No. 4 Rezoning – 450 Provencher Boulevard
(St. Boniface Ward)
File DAZ 228/2011 [c/r DAV 179053/2011D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of 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 228/2011 dated January 20, 2012 to a "C2" Commercial Community District.

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 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 – Executive Policy Committee – February 15, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 6, 2012, the Riel 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 – 450 Provencher Boulevard**
File DAZ 228/2011 [c/r DAV 179053/2011D]

For submission to: **Executive Policy Committee**

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

Report date: **February 7, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2012, the Riel 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 228/2011 dated January 20, 2012 to a "C2" Commercial Community District.

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 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 January 20, 2012.

PUBLIC HEARING SUMMARY

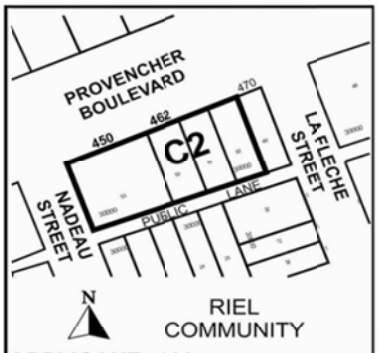
File: DAZ 228/2011

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Mayes
Councillor Vandal

Public Hearing: February 6, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: LM Architectural Group (Vince Kwiatkowski)

Subject:



APPLICANT : LM ARCHITECTURAL GROUP
FILE: DAZ 228/11
PROPOSAL: To rezone the land shown outlined above from an "M1" MANUFACTURING LIGHT DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of a Neighbourhood Rehabilitation Home. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : LM ARCHITECTURAL GROUP
N° DE RÉFÉRENCE : DAZ 228/11
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie M1 (SECTEUR MANUFACTURIER LÉGER) à la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) afin de permettre l'établissement d'un foyer de réadaptation communautaire. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 450 Provencher Boulevard

Exhibits Filed:

1. Application dated December 12, 2011
2. Notification of Public Hearing dated January 10, 2012
3. Manitoba Status of Titles 1871985, 1871986 and 2375878
4. Letter of authorization dated December 8, 2011 from Rene Savoie (R. Savoie Enterprises Ltd.) to Dorais Charities Inc. (the purchaser) and its representatives, Raymond Simard of Boulevard Consultants and Vince Kwiatkowski of LM Architectural Group
5. Surveyor's Building Location Certificate and sketch dated November 29, 2011
6. Title Plot
7. Plan
8. Report from the Planning and Land Use Division dated January 20, 2012
9. Inspection Report
10. Presentation in support of the application submitted by Veronica Hicks at the Public Hearing

REPRESENTATIONS:

In Support:

Christian Benhamou
Georges Bohemier
Kristin Butler
Lucille Damphoussse
Terry Danelley
Denise Dupuis
Laura Goossen
Rémi Gosselin
Norm Gousseau
Lise Hamelin
Veronica Hicks
Ian Hughes
Walter Kleinschmit
Lynette Koop
Robert Lafrenière
Daniel Lussier
Florence McCadden
Paula Moynihan
Réal Rioux
René Savoie
Tom Scott

Anneliese Serzu
Raymond Simard
Ida St. Vincent
Juliette Thévenot
Therese Vachon
Gilbert Vielfaure

In Opposition

Nil

For Information:

Jim Kulik

For the City:

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

Exhibit "8" referred to in File DAZ 228/2011

ADMINISTRATIVE REPORT

Title: DAZ 228/2011 – 450 Provencher Boulevard Public Hearing

Issue: For consideration at the Public Hearing for a rezoning from M1 to C2 to accommodate a neighbourhood rehabilitation home use on the site.

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 228/2011 dated January 20, 2012 to a "C2" Commercial Community District.
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 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 site from "M1" Manufacturing Light to "C2" Commercial Community to facilitate the conversion of the existing buildings into a social service facility and a neighbourhood rehabilitation home.

- Social service facility uses are permitted under the M1 zone and are also permitted under the C2 zoning district. However, neighbourhood rehabilitation home uses are not permitted in the M1 zone, but are permitted in the C2 zoning district.
- 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 Urban Planning Division are concurred in, the land will be rezoned from M1 to C2 and both a neighbourhood rehabilitation home use and a social service facility use will be permitted on the site.

HISTORY

- N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	January 20, 2012
File No.	DAZ 228/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 228/11

APPENDIX 'A'

DATE: January 20, 2012

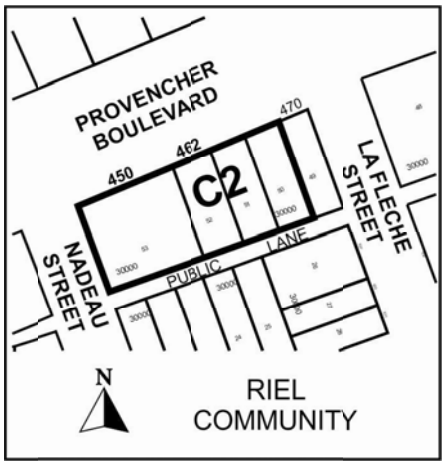
FILE: DAZ 228/11
RELATED FILES: DAV 11-179053/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.503

SUBJECT: To rezone the subject land from "M1" Manufacturing Light to "C2" Commercial Community to establish a neighbourhood rehabilitation home use on the site.

LOCATION: 450 Provencher Boulevard

LEGAL DESCRIPTION: LOTS 50-53 PLAN 30000



APPLICANT: LM Architecture (Vince Kwiatkowski)
136 MARKET AVE SUITE 500
WINNIPEG MB R3B 0P4

OWNER: R SAVOIE ENTERPRISES LTD.
309 YOUVILLE ST
WINNIPEG MB R2H 2S9

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from “M1” Manufacturing Light to “C2” Commercial Community to facilitate the conversion of the existing buildings into a social service facility and a neighbourhood rehabilitation home.
- Social service facility uses are permitted under the M1 zone and are also permitted under the C2 zoning district. However, neighbourhood rehabilitation home uses are not permitted in the M1 zone, but are permitted in the C2 zoning district.
- Substantial changes to the existing buildings on the site are not proposed.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the southeast corner of the Provencher Boulevard and Nadeau Street intersection in the Tissot neighbourhood of the St. Boniface Ward.
- The site is **approximately 23,950 square feet in area** and contains two, one storey tall buildings.
- The original (westernmost) building has approximately 8,266 square feet of floor area. The newer building that is located directly to the east and attached through a pass way has about 7,796 square feet of floor area.
- The site is located along a Community Corridor (Provencher Boulevard) under the Complete Communities Direction Strategy and is zoned “M1” Manufacturing Light.



Figure 1: Aerial photograph showing approximate area of subject property and surrounding area (2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: One storey commercial buildings zoned “C2” Commercial Community.

South: Detached single-family homes zoned “R2” Residential Two-Family and a one storey commercial building zoned “C2” Commercial Community.

East: A hair salon zoned “M1” Manufacturing Light and a mix of businesses and detached single-family homes zoned M1.

West: Nadeau Street and the Seine River.

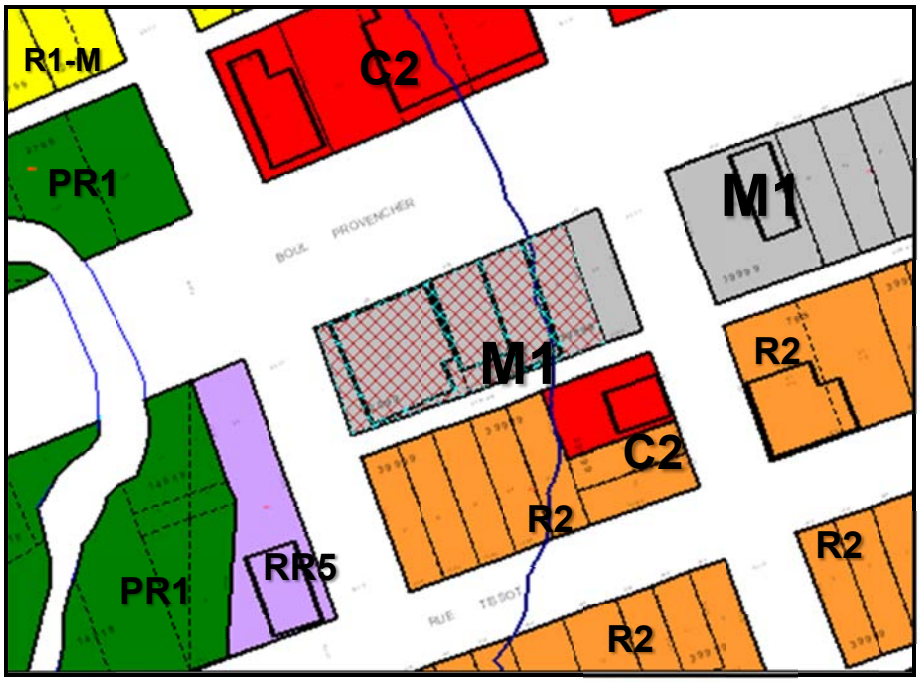


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Dorais Charities has conditionally purchased the subject property and is proposing to rezone the site from “M1” Manufacturing Light to “C2” Commercial Community to facilitate the conversion of the existing buildings into a social service facility and a neighbourhood rehabilitation home.
- Dorais Charities is a registered charity. Its main purpose is to support the Catholic Health Corporation of Manitoba, which in turn sponsors a number of holistic health care for individuals, families and communities.
- The social service facility will be located in the westernmost building that has 8,266 square feet of floor space and will be operated by Centre Flavie Laurent Inc. Centre Flavie Laurent Inc. is a charitable organization that is dedicated to providing clothing, furniture, household appliances and other articles to those in need at no cost. The organization is currently located 164 Marion Street and is open Monday to Friday from 9:00 a.m. to 1:00 p.m.
- The proposed neighbourhood rehabilitation home will be located in the easternmost building that has 7,796 square feet of floor area and will be operated by Marymound Inc. Marymound Inc. is a charitable organization that provides a continuum of care, from early intervention to support for independence, to children, youth and families who need support.
- Specifically, Marymound intends to relocate the Youth Addictions Stabilization Unit (YASU) that currently operates out of 159 Mayfair Street to the subject site. The proposed YASU will include 8 to 10 beds for male and female children between 12 and 17 years old. An adjoining 2-bed unit for adolescents detained under the Intoxicated Persons Detention Act will also be developed.
- The YASU is mandated under the Youth Drug Stabilization (Support for Parents) Act. This Act allows parents and guardians of children struggling with substance addiction to apply to a provincial court or magistrate for a 7-day order for involuntary residential stabilization.

- Two five-bed residential units are proposed. One of these five-bed units is intended to be the setting for involuntary detention called for in the Act. Recognizing that not all youth will be ready to move-on after seven days (the maximum length of detention allowed under the Act), the second five-bed unit will offer a longer period (one to two weeks) of voluntary stabilization. The applicant states that both units will be staffed 24 hours/day by approximately 8 youth care workers that are trained and experienced in youth addiction. Additionally, nursing staff with similar backgrounds will be on the site.
- The proposed two-bed unit for adolescents detained under the Intoxicated Persons Detention Act will be comprised of two separate bedrooms. These units will be monitored through a one way mirror and recorded with audio/visual surveillance whenever a youth is present.
- The applicant states that admission for involuntary persons, or adolescents detained under the Intoxicated Persons Detention Act is always conducted under the supervision of a Peace Officer who escorts the adolescent to the facility. If a voluntary person is admitted s/he is admitted to the facility under the supervision of the parents or guardians. Once a person is admitted s/he is not permitted out of the building for the duration of his/her stay.
- The applicant further states that the building is to be secured with advanced security features that will make it extremely difficult for a person to leave the facility without authorization.
- Moderate changes are proposed to the existing buildings on the site. The majority of the changes will be to the interior of the buildings to accommodate the new uses.
- The existing building to the east (proposed for Marymound) will include some modest exterior renovations and landscaping along the north and east sides of the building. The façade will be renovated to enhance the look. A masonry base and stucco top with metal window awnings and entrance canopies will be used to provide a residential feeling to the building. The existing surface parking will not change.
- Similar exterior renovations are proposed for the western building (proposed for Centre Flavie Laurent); however, the existing metal siding may stay instead of replacing this siding with stucco.
- A variance application to establish the neighbourhood rehabilitation home use on the land prior to Council approval of the rezoning has also been applied for under the associated application DAV 11-179053/D.

ANALYSIS AND ISSUES

OURWINNIPEG

- The City of Winnipeg's new Development Plan, *OurWinnipeg* emphasizes the City's and Council's commitment to all of our citizen's and their needs.
- Directions and strategies under OurWinnipeg that are relevant to this application include:

  Section 1-2(a)(6)

  - Work collaboratively to develop an inclusive built environment that fosters social cohesion.
  - Work as a partner to address the needs of people at risk of victimization or of criminal activity.

Section 3-1(3)

- Work with community partners to foster an inclusive and equitable community.
- Support social inclusion and equitability in the general community and in City programs, services and activities.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is located along a Community Mixed Use Corridor (Provencher Boulevard). Key policies guiding development along Community Mixed Use Corridors under the *Complete Communities Direction Strategy* include:
  - Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification.
  - Promote small-scale, fine grained development that is responsive to the surrounding community context.
  - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
  - Support a range of housing opportunities in terms of type, tenure, unit size.
  - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) principles.

ZONING

"M1" Manufacturing Light District

- The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard requirement of 25 feet. The maximum building height is 50 feet and the maximum floor area ratio is 2.0.

"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

- The applicant is proposing to establish a social service facility use and a neighbourhood rehabilitation home use on the land.

- Under the existing M1 zoning for the site, social service facility uses are permitted; however, neighbourhood rehabilitation home uses are not. Social service facility uses and neighbourhood rehabilitation home uses are both permitted in the C2 zone.

Variance

- The proposed application does not require a variance; however, the applicant has submitted a variance application to establish the neighbourhood rehabilitation home use on the land prior to Council approval of the rezoning (see DAV 11-179053/D). If granted, this temporary change of use variance could allow the applicant to begin renovations to the building for the neighbourhood rehabilitation home use in advance of Council approval of the rezoning.

PUBLIC CONSULTATION

- A public open house regarding the proposed rezoning was held on January 18th, 2012.
- Panels were used to convey information regarding the proposed uses on the site. These panels provided very clear information about the proposed uses in both English and French.
- The open house was advertised through a mail-drop to all residents and businesses between Archibald and the Seine River on both the north and south sides of Provencher Boulevard. The mail-drop included: a map showing the location for the proposed rezoning with information on the open house; a letter of intent; and a summarization with frequently asked questions. All information included in the mail drop was in both French and English. Approximately 100 businesses and residences were provided with the information package included in the mail-drop.
- A total of 53 people attended the open house session on January 18th. Forty-seven (47) of these people submitted comment sheets.
- A review of these comment sheets indicates that those who attended the open house were generally supportive of the proposed uses on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to rezone the site from M1 to C2 along Provencher Boulevard, which is considered a Community Mixed Use Corridor under the Complete Communities Direction Strategy. Community Mixed Use Corridor policies support the inclusion of a wide range of housing types and a mix of uses.
- The majority of properties along Provencher Boulevard are zoned C2 (see Figure 3). Furthermore, the north side of Provencher Boulevard is designated as a Commercial Policy Area under the North St. Boniface Secondary Plan. As such, the proposed C2 zoning for the site is appropriate when considering the context of the street and the existing higher-level planning policies that are in place.



Figure 3: Properties along Provencher Blvd currently zoned C2 (outlined in bold black)

- Provencher Boulevard is a centrally-located mixed-use street that is easily accessible via a variety of forms of transportation (pedestrian, bus, car, etc.).
- The proposed social service facility use for the establishment of Centre Flavie Laurent Inc. on the site is permitted under the existing M1 zoning.
- The majority of Provencher Boulevard is already zoned C2. As such, a neighbourhood rehabilitation home use would be permitted on these C2-zoned properties as-of-right under the Zoning By-law as long as any proposed neighbourhood rehabilitation home on these properties is not within 990 feet of another neighbourhood rehabilitation home or care home.
- Licensing for facilities like the proposed neighbourhood rehabilitation home is regulated through the Province of Manitoba Child and Family Services Act – Child Care Facilities (Other Than Foster Homes) Licensing Regulation.
- The proposed neighbourhood rehabilitation home will be secure and well-monitored by trained staff. Staff present on site are required to be awake at all times throughout their shift under the Child Care Facilities (Other Than Foster Homes) Licensing Regulation. Further, the amount of staff required on the site is determined by the type of facility and services provided.
- The Marymound Youth Stabilization Unit has been located at 159 Mayfair Avenue since 2006. Since that time there have been no complaints submitted to the City of Winnipeg Planning, Property and Development Department regarding this facility.
- The applicant states that there have been a total of 4 instances where a client left the building without authorization over the 5-year period that Marymound has been operating at 159 Mayfair Avenue. The applicant explains that this occurred predominantly because of the poor condition and construction-quality of the building. The proposed advanced security measures for the facility at 450 Provencher Boulevard should make it more difficult for a client to leave unauthorized.
- The applicant is not proposing substantial changes to the buildings. The only main changes proposed are to facilitate the reuse of the buildings.

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 Urban Planning Division recommends **approval** for the following reasons:

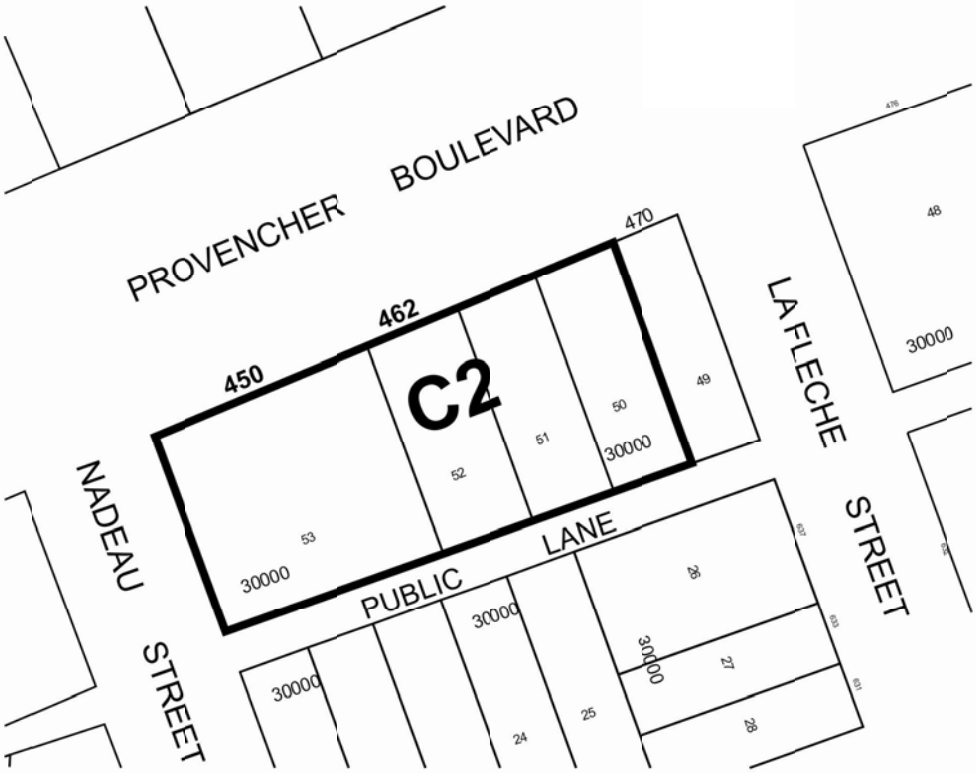
- Provencher Boulevard is considered a Community Mixed Use Corridor under the Complete Communities Direction Strategy and is predominantly zoned C2.
- The building will be secure with appropriate staffing levels, which are required under Provincial regulations.
- Provencher Boulevard is a centrally-located mixed-use street that is easily accessible via a variety of forms of transportation (pedestrian, bus, car, etc.).

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 228/11

Schedule "A" for File No. DAZ 228/2011, Riel Community Committee, dated January 20, 2012

By-Law No.	File No. **DAZ 228/11**
Atlas Sheet No. N **Z27 RIEL COMMUNITY**	Explanation: A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 450 Provencher Boulevard from an "M1" MANUFACTURING LIGHT DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of a Neighbourhood Rehabilitation Home as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____