Agenda – Council – April 25, 2012

Report – Executive Policy Committee – April 4, 2012

Item No. 1 Rezoning – 610 Sherbrook Street
(Daniel McIntyre Ward)
File DAZ 231/2011 [c/r DAV 180966/2011D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 4, 2012, the Executive Policy Committee concurred in the recommendation of 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 231/2011 dated March 1, 2012 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. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:
            a. Advertising sign
            b. Amusement enterprise, outdoor
            c. Auto/light truck/motorcycle, repair and service
            d. Car wash
            e. Drive-in or drive-through
            f. Fleet services
            g. Kennel
            h. Pawnshop
            i. Supermarket

        ii. The following uses may only be approved as conditional uses:
            a. Auto/light truck/motorcycle, sales and rental
            b. Drinking establishment
            c. Fuel sales
            d. Hotel or motel

        iii. The following uses are limited to the specified amount of gross floor area per building:
            a. Amusement enterprise, indoor: 2,500 square feet
            b. Medical/dental/optical counseling clinic: 5,000 square feet
            c. Restaurant: 2,500 square feet

d. Retail sales: 5,000 square feet
e. Studio, radio/TV/motion picture broadcast and production: 5,000 square feet
f. Personal services: 5,000 square feet

iv. That internally illuminated signs shall only be allowed on the east and south facades of the building

v. That there shall be no advertising signs, rotating signs, electronic message centre signs, banner signs, inflatable signs, animated signs, flashing signs and A-frame signs on the entire site.

vi. That, for the development of any building, plans showing the locations and designs of the proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and 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 the same to Council for all three (3) readings.

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – April 4, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 4, 2012, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 13, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning – 610 Sherbrook Street**
File DAZ 231/2011

For submission to: **Executive Policy Committee**

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

Report date: **March 5, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 13, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 231/2011 dated March 1, 2012 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. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:
            a. Advertising sign
            b. Amusement enterprise, outdoor
            c. Auto/light truck/motorcycle, repair and service
            d. Car wash
            e. Drive-in or drive-through
            f. Fleet services
            g. Kennel
            h. Pawnshop
            i. Supermarket

        ii. The following uses may only be approved as conditional uses:
            a. Auto/light truck/motorcycle, sales and rental
            b. Drinking establishment
            c. Fuel sales
            d. Hotel or motel

        iii. The following uses are limited to the specified amount of gross floor area per building:
            a. Amusement enterprise, indoor: 2,500 square feet

b. Medical/dental/optical counseling clinic: 5,000 square feet
c. Restaurant: 2,500 square feet
d. Retail sales: 5,000 square feet
e. Studio, radio/TV/motion picture broadcast and production: 5,000 square feet
f. Personal services: 5,000 square feet

iv. That internally illuminated signs shall only be allowed on the east and south facades of the building

v. That there shall be no advertising signs, rotating signs, electronic message centre signs, banner signs, inflatable signs, animated signs, flashing signs and A-frame signs on the entire site.

vi. That, for the development of any building, plans showing the locations and designs of the proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and 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 the same to Council for all three (3) readings.

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The proposal is in keeping with the character of the neighbourhood.

PUBLIC HEARING SUMMARY

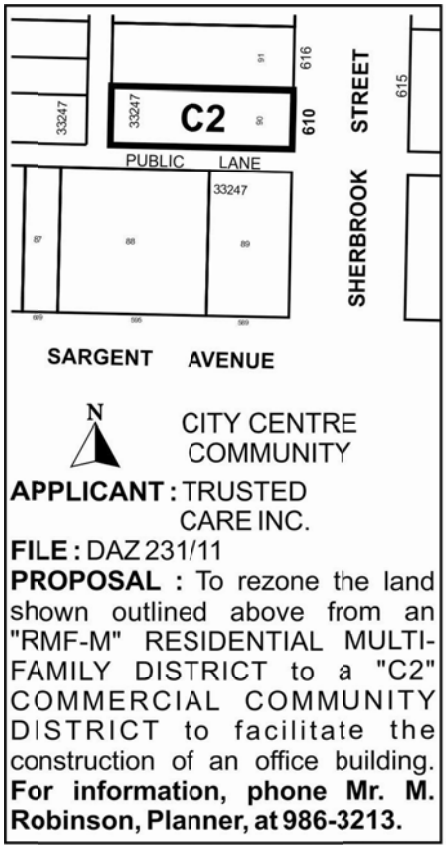
File: DAZ 231/2011

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

Public Hearing: March 13, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Trusted Care Inc. (Brian McMillan)

Subject:



Premises Affected: 610 Sherbrook Street

Exhibits Filed:

1. Application dated January 19, 2012
2. Notification of Public Hearing dated January 23, 2012
3. Manitoba Status of Title 2126582
4. Letter of authorization dated December 20, 2011 from Prairie School of Craft Ltd. to Trusted Care Inc.
5. Surveyor's Building Location Certificate and sketch dated March 31, 2005
6. Plans (7 pages)
7. Report from the Planning and Land Use Division dated March 5, 2012
8. Inspection Report
9. Audio Recording of representations of public hearing on March 13, 2012

REPRESENTATIONS:

In Support:

Brian McMillan, Trusted Care Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Michael Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 231/2011

ADMINISTRATIVE REPORT

Title: DAZ 231/2011 – 610 Sherbrook Street

Issue: For consideration at the public hearing for a Rezoning for DAZ 231/2011 – 610 Sherbrook Street

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 231/2011 dated March 1, 2012 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. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:

            a. Advertising sign
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            f. Fleet services
            g. Kennel
            h. Pawnshop
            i. Supermarket

ii. The following uses may only be approved as conditional uses:

a. Auto/light truck/motorcycle, sales and rental
b. Drinking establishment
c. Fuel sales
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iii. The following uses are limited to the specified amount of gross floor area per building:

a. Amusement enterprise, indoor: 2,500 square feet
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v. That there shall be no advertising signs, rotating signs, electronic message centre signs, banner signs, inflatable signs, animated signs, flashing signs and A-frame signs on the entire site.

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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 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, the property will be rezoned.

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, MCIP
Date:	March 5, 2012
File No.	DAZ 231/2011

APPENDIX 'A'

DATE: March 5, 2012
FILE: DAZ 231/2011
RELATED FILES: DAV 11-180966/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.108

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family District and a "C2" Commercial Community District

LOCATION: 610 Sherbrook STREET
LEGAL DESCRIPTION: SP Lot 90, Plan 33247



APPLICANT: Trusted Care Inc. – Brian McMillan

OWNER: Prairie School of Craft Ltd. – Brian McMillan

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "RMF-M" Residential Multi-Family District, is located on Sherbrook Street, between Sargent and Cumberland Avenues, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.

North: Residences zoned "RMF-M" Residential Multi-family District
South: Commercial uses zoned "C2" Commercial District (PDO-1 Neighbourhood Main Streets)
East: Residences zoned "RMF-M" Residential Multi-family District
West: Residences zoned "RMF-M" Residential Multi-family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant intends to demolish the existing vacant church building on the subject property and to replace it with a one storey, 1,800 square foot office building.

Reason for application
The subject property is currently zoned “RMF-M” Residential Multi-Family District. In order to establish an office use, the property must be rezoned to a commercial zoning district.

ANALYSIS AND ISSUES

A. Policies

*O*urWinnipeg (Complete Communities Direction Strategy)

Community Mixed Use Corridor

Sherbrook Street has the characteristics of a community mixed use corridor. Community mixed use corridors act as “main streets” for one or more neighbourhoods. In order to accommodate the city’s anticipated increase in residential, commercial, and employment densities, portions of community mixed use corridors will experience a fairly significant amount of change, including the introduction of new commercial development, when contextually suitable and required by market demand.

While commercial development is not appropriate at all locations along corridors, Complete Communities supports a cluster approach, whereby multi-block sections of corridors, which already have existing commercial development patterns, key intersections, and/or other property influences are encouraged to intensify.

By accommodating commercial development on a corridor, adjacent to an existing commercial development node, the location of the proposed rezoning complies with the intent of Complete Communities.

Commercial Land Supply

Complete Communities also states (Commercial Areas, Direction 2 Strategy 4) the following:

Approve new locations for commercial development where significant residential areas are not well served with commercial space, where existing commercial areas cannot accommodate expansion, where the long-term negative impact impacts on existing regional and commercial centres will be minimal, where additions to the regional street system can be demonstrated to have long-term benefits and where a full range of municipal services can be provided in an environmentally sound, economical, and timely manner.

In the West End, while there is some commercial capacity on existing corridors, it is appropriate to allow minor commercial intensification at the intersections of regional streets. Consequently, the addition of incremental commercial space, as proposed under the subject application, meets the criteria in the Plan and will not have a negative impact on existing commercial centres in the neighbourhood.

Urban Design

The building will be set up to the street with parking at the rear. The street (east) elevation will include extensive glazing, which is important for maintaining a connection with the street. The entrance will be located on the north side of the building. In general, the urban design is consistent with the vision for mixed use corridors set out in Complete Communities.

C. *Summary*

The Winnipeg Public Service takes a very restrained approach to commercial conversions of residential properties. In general, they should only occur on corners, on regional streets, and within or adjacent to existing clusters of commercial properties. In this instance, the subject property meets this criteria. For these reasons, the Winnipeg Public Service supports the proposed rezoning, with conditions, to ensure future compatibility with the area.

D. Conditions
The Winnipeg Public Service is recommending conditions in a Zoning Agreement

1. While the subject property is not located within the Sargent Avenue Neighbourhood Main Streets PDO-1, it is immediately adjacent to it. It is recommended that the same restrictions that apply to "C2" zoned properties within the PDO-1, also apply to the subject property.

2. In the future, if the site is redeveloped, final plans will have to be approved by City Centre Community Committee prior to the issuance of any building or development permits.

3. Given that there are residences to the immediate north and west, it is recommended that no internally illuminated signage be permitted on the north and west facades of the building.

4. In light of the abutting residential properties, this condition prohibits advertising signs, electronic message centre signs, mobile signs, poster signs, and A-frame signs on the entire site.

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

- The proposed rezoning is consistent with Complete Communities
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 231/2011

APPENDIX "B"

Schedule "A" for File No. DAZ 231/2011, City Centre Community Committee, dated March 1, 2012

By-Law No. _____

File No. **DAZ 231/11**

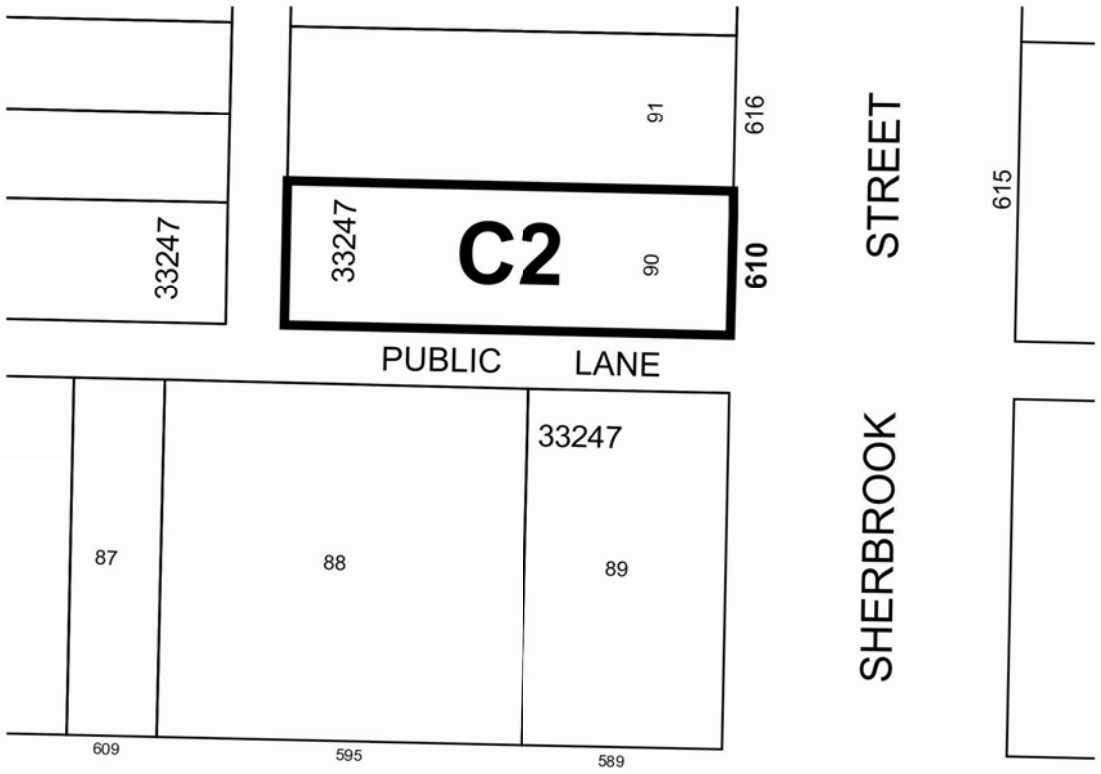
Atlas Sheet No.

N

Z23
CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 610 Sherbrook Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the construction of an office building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)