Minutes – Executive Policy Committee – June 20, 2012

Minute No. 296
Report – Standing Policy Committee on Property and Development – June 12, 2012

Item No. 2 Rezoning – 825 St. Joseph Street
(St. Boniface Ward)
File DAZ 207/2012 [c/r DAV 114258/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2012 dated April 25, 2012 to an "RMU" Residential Mixed Use District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        ii. That, the maximum number of dwelling units on the land shall not exceed six (6) dwelling units;

        iii. That the following signs shall not be permitted on the land:

            a. Free-standing signs;
            b. Electronic Message Board signs;
            c. Mobile signs;
            d. Banner signs;
            e. A-Board signs;
            f. Rotating signs;
            g. Inflatable signs;

Report – Standing Policy Committee on Property and Development – June 12, 2012

iv. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the 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 – June 12, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2012, the Riel Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 825 St. Joseph Street**
File DAZ 207/2012 [c/r DAV 114258/2012D]

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

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

Report date: **May 8, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2012, 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 207/2012 dated April 25, 2012 to an "RMU" Residential Mixed Use District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        ii. That, the maximum number of dwelling units on the land shall not exceed six (6) dwelling units;

        iii. That the following signs shall not be permitted on the land:

            a. Free-standing signs;
            b. Electronic Message Board signs;
            c. Mobile signs;
            d. Banner signs;
            e. A-Board signs;
            f. Rotating signs;
            g. Inflatable signs;

        iv. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and

signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any

building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the 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 reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 25, 2012.

2. The building, which currently sits empty, will be renovated and the new business moving in will be a great addition to the community.

PUBLIC HEARING SUMMARY

File: DAZ 207/2012 [c/r DAV 114258/2012D]

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

Public Hearing: May 7, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Susan Russell)

Subject:



Premises Affected: 825 St. Joseph Street

Exhibits Filed:

1. Application dated March 13, 2012
2. Notification of Public Hearing dated March 29, 2012
3. Manitoba Status of Title 2483744/1
4. Letter of authorization dated February 23, 2012 from Qualico Developments (Winnipeg) Ltd. to McGowan Russell Group Inc.
5. Plan
6. Report from the Planning and Land Use Division dated April 25, 2012
7. Inspection Report
8. Presentation in opposition to the application submitted by Walter Kleinschmit, President, Old St. Boniface Residents' Association
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Filippo Colosimo
Michael Dickson
Susan Russell

In Opposition

Calvin Jag
Walter Kleinschmit, Old St. Boniface Residents' Association
Leo JR Pelland

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
Robert Kostiuk, Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: DAZ 207/2012 – 825 St. Joseph Street Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from R2 and M2 to RMU to facilitate the conversion of an existing building into 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 207/2012 dated April 25, 2012 to an "RMU" Residential Mixed Use District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i) That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        ii) That, the maximum number of dwelling units on the land shall not exceed six (6) dwelling units;

        iii) That the following signs shall not be permitted on the land:

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            d. Banner signs;

            e. A-Board signs;

            f. Rotating signs;

            g. Inflatable signs;

        iv) That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking

areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.
3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.
4. That the 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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “R2” Residential Two-Family and “M2” Manufacturing General to “RMU” Residential Mixed-Use in order to facilitate the conversion of the existing building on the site into an office (landscape architecture).
- The applicant is not proposing changes to the structure of the 2,430 square foot building; only interior alterations to accommodate the office and the development of a rear deck and parking area are proposed.
- 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 R2 and M2 to RMU and an office use will be permitted in the existing building 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:	April 25, 2012
File No.	DAZ 207/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 207/2012

APPENDIX 'A'

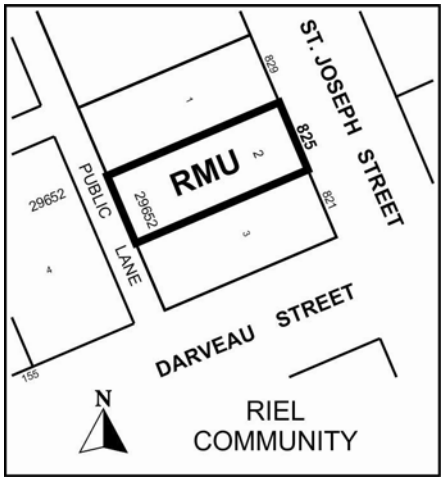
DATE: April 25, 2012

FILE: DAZ 207/2012
RELATED FILES: DAV 12-114258/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: To rezone the subject land from "R2" Residential Two-Family and "M2" Manufacturing General to "RMU" Residential Mixed Use to.

LOCATION: 825 St Joseph ST
LEGAL DESCRIPTION: LOT 2 PLAN 29652 76 ST B



APPLICANT: McGowan Russell Design Group Inc. (Susan Russell)
120 FORT ST SUITE 200
WINNIPEG MB R3C 1C7

OWNER: QUALICO DEVELOPMENTS (WINNIPEG) LTD.
1 DR. DAVID FRIESEN DR
WINNIPEG MB R3X 0G8

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from "R2" Residential Two-Family and "M2" Manufacturing General to "RMU" Residential Mixed-Use in order to facilitate the conversion of the existing building on the site into an office (landscape architecture).
- The applicant is not proposing changes to the structure of the 2,430 square foot building; only interior alterations to accommodate the office and the development of a rear deck and parking area are proposed.

- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the west side of St. Joseph Street, between the Rue Darveau and Rue Hebert in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The site is approximately **4,934 square feet in area** and contains a one storey building that was last used by Le Cercle Moliere (theater company).
- The property is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is also within the Higher Density Residential area under the North St. Boniface Secondary Plan.
- The site is zoned “R2” Residential Two-Family and “M2” Manufacturing General.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home zoned R2.

South: A detached single-family home zoned M2.

East: Whittier Park zoned PR2 and PR1.

West: Vacant land zoned RMF-S and M2.

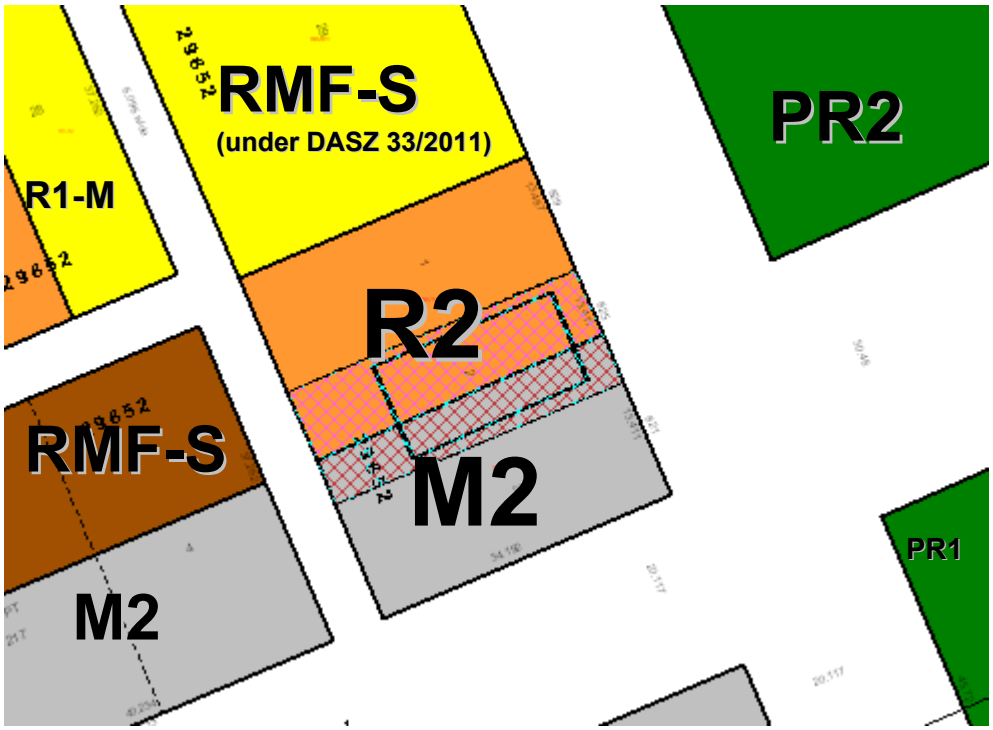


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “R2” Residential Two-Family and “M2” Manufacturing General to “RMU” Residential Mixed-Use in order to facilitate the conversion of the existing building on the site into an office (landscape architecture).
- The applicant is not proposing changes to the structure of 2,430 square foot building; only interior alterations to accommodate the office and the development of a rear deck and parking area are proposed.
- The application includes a number of variances. Most of these variances have to do with the siting of the existing building in relation to the standards of the proposed RMU zone for the property. However, variances are needed for the proposed deck and for parking stalls in both the front and rear portions of the property. The parking stalls in the front yard will also require an encroachment application with the City of Winnipeg as the stalls will project into the Rue St. Joseph right-of-way.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the key policies guiding the development of 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.

- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
- Support a mix of commercial services and employment uses that serve the local community.

NORTH ST. BONIFACE SECONDARY PLAN

- The subject site is located within the Higher Density Residential policy area under the North St. Boniface Secondary Plan. The following policies guide development in the Higher Density Residential area:
  - Focused along regional roads (namely Provencher Boulevard), collector roads (namely Tache Avenue and St. Joseph Street) railway lines, and public transportation corridors, encourage retention and enhancement of existing residential development and establishment of new residential development up to a maximum of 55 units per acre net (136 units per hectare), with the exception of the property located at the north east corner of Tache Avenue and rue La Verendrye where a density of 76 units per acre may be achieved.
  - Accommodate community services-including schools, parks, daycares, healthcare facilities-provided they are primarily intended to serve North St. Boniface residents.
  - Encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with higher density residential development.

ZONING

"R2" Residential Two-Family Large District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

"M2" Manufacturing General District

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

"RMU" Residential Mixed-Use District

- The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum lot area of 9,000 square feet; minimum front yard of 20 feet; a minimum rear yard of 25 feet; minimum side yard of 5 feet; and, a maximum building height of 100 feet, and a maximum lot area per dwelling unit of 500 square feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from M2 and R2 to RMU to accommodate the conversion of the existing building on the site into an office use. Office uses are not permitted in the M2 or the R2 zone, but are permitted in the RMU zone. It should be noted that offices are permitted in a variety of commercial and manufacturing zones. However, when considering the policies for Higher Density Residential areas under the North St. Boniface Secondary Plan, the RMU zoning is a better fit for the proposed site.

Variances

- There are several variances required for the proposed development and rezoning. The variances are explained in the points below.

  1 The subject lot is 4,934 square feet in area. The minimum lot area required in the RMU zone is 9,000 square feet.

  2(a) The existing building on the site has a front yard of 11.6 feet. The minimum required front yard in the RMU zone is 20 feet.

  2(b,c) The existing building on the site has a north side yard of 4.2 feet and a south side yard of 3.3 feet. The minimum required side yard in the RMU zone is 5 feet.

  2(d) The existing eave will project 1.4 feet into the south side yard. The maximum eave projection permitted in the south side yard (which is to be varied to 3.3 feet) is 1.1 feet.

  3(a,b) Open decks 2 feet in height or less are permitted in the side or rear yard of all multi-family zones. The applicant is proposing to construct a deck that is approximately 2'7" (800 mm) in height. This deck will be located 0.5 feet from the south property line instead of the required 5 feet, and 19.5 feet from the rear (west) property line instead of the required 25 feet.

  4(a) The applicant is proposing to develop 4 parking stalls in the front yard of the site. The minimum required front yard setback in the RMU zone is 20 feet. Open parking areas are not permitted projections in the required front yard of the RMU zone.

  4(b)(i) A landscaped buffer is required when a parking or loading area accessory to any use, other than a single-family or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district. The proposed rear parking area does not include a landscaped buffer and is adjacent to an RMF-S zoned lot.

  4(b)(ii) The applicant is proposing to have parking directly off of the lane. Parking is not permitted directly off of a lane as per section 172(3)(a) of the Zoning By-Law.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed rezoning of the site to RMU will allow for the adaptive reuse of the existing building on the land.

- The applicant is not proposing any additions to enlarge the existing building. The building will remain as is; however, an office use will be located within this existing building.
- The existing building on the site has been used as a church, and most recently, for a theater company. Although the proposed office will be used more consistently, it will not draw as many people to the neighbourhood as would the church or theater.
- The North St. Boniface Secondary Plan designates the subject site as being within the Higher Density Residential area of the Plan. One of the policies for the Higher Density Residential area is:
    - *Encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with higher density residential development.*
- The subject site has been used for cultural/commercial uses in past and the integration of small-scaled commercial uses are encouraged under the Higher Density Residential policies of the North St. Boniface Secondary Plan.
- Half of the subject site is zoned M2. Offices uses are permitted in the M2 zone.
- Although there are a number of different zoning districts that can accommodate office uses, the RMU zone is likely the best zoning district for the site when considering the policies of the Higher Density Residential area in the North St. Boniface Secondary Plan. This is because the RMU zone allows for both multi-family residential and locally-oriented commercial (similar to the uses permitted in the C1 zone) to be developed on the site, which is consistent with the Higher Density Residential policies.
- It should be noted that the North St. Boniface Secondary Plan Proposed Land Use Map shows a “Future Transit Corridor” running through a portion of the subject site. The Urban Planning Division has confirmed with Winnipeg Transit that no portion of the subject site would be required if a Transit corridor were to be developed as shown in the North St. Boniface Secondary Plan. The planned corridor would be located south of the subject site.

RECOMMENDED ZONING AGREEMENT

- Although there are many aspects of the RMU zone that align well with the North St. Boniface Secondary Plan, there are aspects that could make development on the site inconsistent with the surrounding area. As such, the following restrictions are recommended to be included in the zoning agreement.

Height

- The maximum permitted height for a development in the RMU zone is 100 feet. The applicant is not proposing changes to the one storey building on the site and most of the surrounding zones allow for a maximum height of 35 feet. The Urban Planning Division recommends that the maximum permitted height for the subject property to be 35 feet in order to be consistent with the maximum permitted height of the neighbouring zones.

Density

- The Higher Density Residential policy area limits the density to 55 dwelling units per acre. At 55 dwelling units/acre, the subject site could support the development of 6 multi-family residential units. The Division therefore recommends that the maximum permitted number of units on the site to be limited to 6 dwelling units.

Signage

- The recommended conditions to restrict signage have been included in order to ensure that the site will be free of cluttered signage, or signage that can cause a disturbance to neighbouring properties in this predominantly residential neighbourhood.

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.

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:

- The proposed rezoning of the site to RMU will allow for the adaptive reuse of the existing building on the land.
- The RMU zone is likely the best zoning district for the site when considering the policies of the Higher Density Residential area in the North St. Boniface Secondary Plan.
- The recommended conditions in the zoning agreement will help ensure that future development on the site is compatible with the surrounding area and the policies of the North Boniface Secondary Plan.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 207/2012

Schedule "A" for File No. DAZ 207/2012, Riel Community Committee, dated April 25, 2012

By-Law No. _____

File No. **DAZ 207/12**

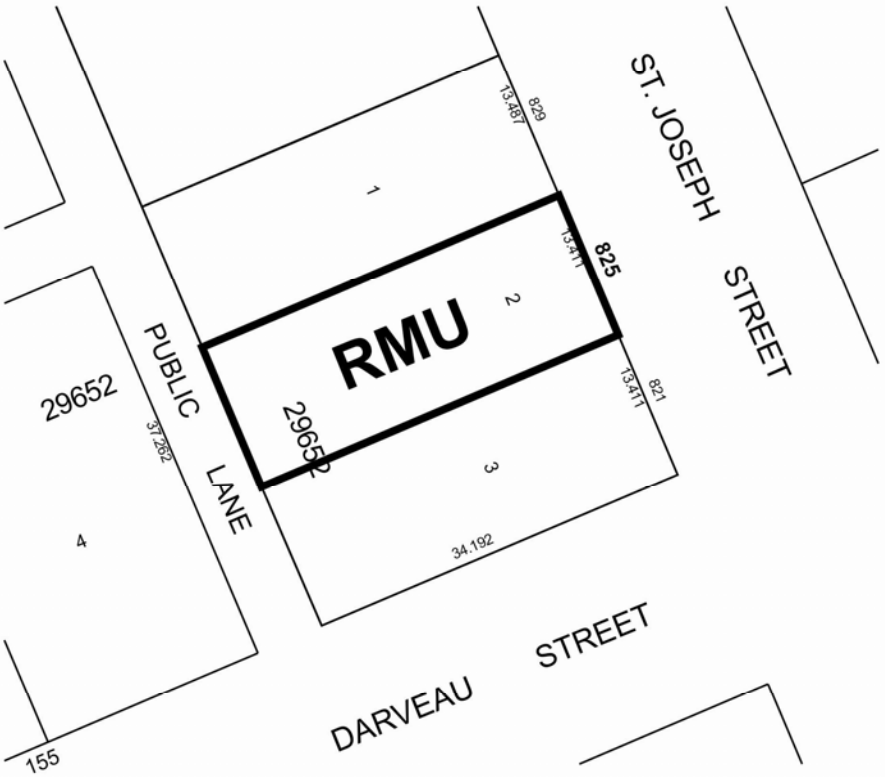
Atlas Sheet No.

N

Z26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 825 St. Joseph Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of an office use within an existing building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____