Minute No. 595
Report – Standing Policy Committee on Property and Development – September 11, 2012

Item No. 4 Rezoning – 443 Spence Street
(Daniel McIntyre Ward)
File DAZ 215/2012 [c/r DAV 125379/2012D & DCU 125424/2012D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development 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 215/2012 dated June 26, 2012 to a "C1" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

      i. Only the following uses shall be permitted uses on the land:

         a. All uses which are permitted in the "R2" Residential Two-Family District.

      ii. The following uses shall be permitted as conditional uses:

         a. Social service facility.
         b. All uses which are conditional uses in the "R2" Residential Two-Family District.

      iii. That a social service facility use on the subject land shall be limited to a gross floor area of 3,200 square feet.

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

Report – Standing Policy Committee on Property and Development – September 11, 2012

COUNCIL DECISION (continued):

v. That for the development of any new building, structure, or addition, 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 and City Centre Community Committee 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 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 the 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 – September 11, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 11, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 3, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 443 Spence Street**
File DAZ 215/2012

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

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

Report date: **July 4, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 3, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 215/2012 dated June 26, 2012 to an "C1" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        ii. Only the following uses shall be permitted uses on the land:

            a. All uses which are permitted in the "R2" Residential Two-Family District .

        ii. The following uses shall be permitted as conditional uses:

            a. Social service facility.
            b. All uses which are conditional uses in the "R2" Residential Two-Family District.

        iii. That a social service facility use on the subject land shall be limited to a gross floor area of 3,200 square feet.

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

        v. That for the development of any new building, structure, or addition, 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 and City Centre Community Committee 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 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 the by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

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

1. The application is for a social agency working with great number of people in community.

2. This is a valuable asset to community.

PUBLIC HEARING SUMMARY

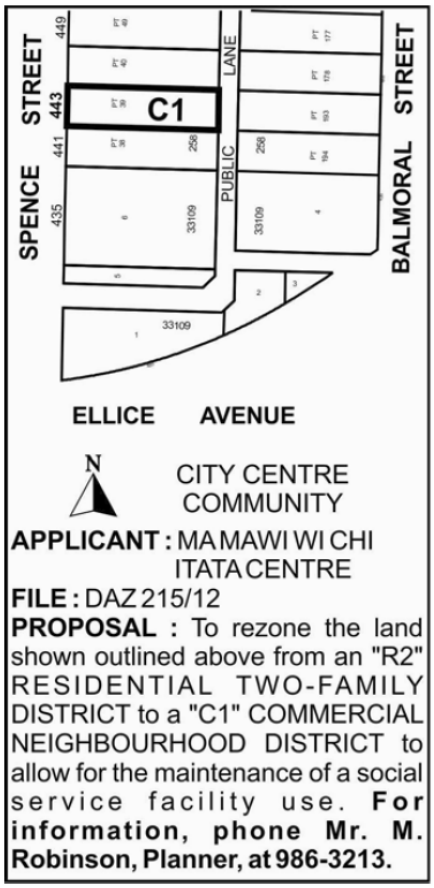
File: DAZ 215/2012

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

Public Hearing: July 3, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Ma Mawi Wi Chi Itata Centre Inc. (Diane Roussin)

Subject:



Premises Affected: 443 Spence Street

Exhibits Filed:

1. Application dated April 30, 2012
2. Notification of Public Hearing dated May 30, 2012
3. Manitoba Status of Title 2561377/1
4. Surveyor's Building Location Certificate and sketch dated June 23, 2008
5. Plans (2 pages)
6. Report from the Urban Planning Division dated June 26, 2012
7. Communication dated June 28, 2012, from Richard Kathler in opposition to the application
8. Communication dated June 28, 2012, from Susan Radstrom in opposition to the application
9. Communication dated June 28, 2012, from Jamil Mahmood, Executive Director, Spence Neighbourhood Association with respect to the application
10. Communication dated June 28, 2012, from Shane Storie, Chair-Management Board, and Gloria Cardwell-Hoeppner, Executive Director, West End Business Improvement Zone in opposition to the application
11. Communication dated June 29, 2012, from Dana Linton in opposition to the application
12. Inspection Report
13. Communication dated June 29, 2012, from Sean Murphy in opposition to the application
14. Communication dated June 29, 2012, from Maggie Friesen in opposition to the application
15. Communication dated June 28, 2012, from Cathy C. Campbell, Priest and Rector, St. Matthew's Anglican Church in support of the application
16. Communication dated April 27, 2012, from Jackie Hogue, Executive Director, West Central Women's Resource Centre in support of the application
17. Communication dated May 23, 2012, from Meg McGimpsey, West End Cultural Centre in support of the application
18. Communication dated May 3, 2012, from C. Houle, Executive Director, Pregnancy and Family Support Services Inc. in support of the application
19. Communication dated May 2, 2012, from Judy Hunter, on behalf of FrontStep Research in support of the application
20. Communication dated April 26, 2012, from Jennifer Rattray, Associate Vice-President, Indigenous, Government and Community Affairs, University of Winnipeg and Sharon Redsky, Manager, Wii Chiiwaakanak Learning

Centre and Community Learning, University of Winnipeg in support of the application

21. Communication dated June 27, 2012, from Gloria Nobiss, Acting Director, Native Women's Transition Centre Inc. in support of the application
22. Communication dated June 27, 2012, from Jade Quagon in support of the application
23. Communication dated April 26, 2012, from Clarence Ross in support of the application
24. Communication dated June 2012, from Don Rooney in support of the application
25. Communication dated June 19, 2012, from Brook Spence in support of the application
26. Communication dated April 27, 2012, from Karen Smith in support of the application
27. Communication dated April 26, 2012, from Herbe Smith in support of the application
28. Communication dated April 26, 2012, from Jenilee Smith in support of the application
29. Communication dated June 28, 2012, from Sandra Ross in support of the application
30. Communication dated June 27, 2012, from Ashley Rae in support of the application
31. Communication dated April 30, 2012, from Nilgani Naabe in support of the application
32. Communication dated June 19, 2012, from Tish Pawlychyn in support of the application
33. Communication dated April 26, 2012, from Sandra Parisian in support of the application
34. Communication dated April 26, 2012, from Tammy Parisian in support of the application
35. Communication dated April 26, 2012, from Jesse Parhe in support of the application
36. Communication dated April 26, 2012, from Arnold Paul in support of the application
37. Communication dated April 26, 2012, from Thomas Paul in support of the application
38. Communication dated April 26, 2012, from Jeffrey Auger in support of the application
39. Communication dated May 3, 2012, from Pauline Angoo in support of the application
40. Communication dated June 19, 2012, from David Bratlie in support of the application
41. Communication dated June 19, 2012, from Delilah Boehm in support of the application

42. Communication dated June 27, 2012, from Samantha Berens in support of the application
43. Communication dated June 19, 2012, from Crystal Beardy in support of the application
44. Communication dated May 8, 2012, from Mary Bigsky in support of the application
45. Communication dated June 28, 2012, from Peggy-Lynn Beaver in support of the application
46. Communication dated April 26, 2012, from Leonard Creeley in support of the application
47. Communication dated June 19, 2012, from Lorna Cook in support of the application
48. Communication dated June 27, 2012, from Rodney C. Chrusch in support of the application
49. Communication dated April 26, 2012, from Betty Jean Clipping in support of the application
50. Communication dated May 2, 2012, from Carmelle Clearsky in support of the application
51. Communication dated May 3, 2012, from Tiffany Clayton in support of the application
52. Communication dated June 19, 2012, from Rachel D. Cameron in support of the application
53. Communication dated June 19, 2012, from Terry Kolken in support of the application
54. Communication dated April 26, 2012, from Ronald Catcheway in support of the application
55. Communication dated April 26, 2012, from Barry Courchene in support of the application
56. Communication dated April 4, 2012, from William Carpick in support of the application
57. Communication dated June 28, 2012, from Pat Desjarlais in support of the application
58. Communication dated June 2012, from Frances Desjarlais in support of the application
59. Communication dated June 19, 2012, from J. D. Folkerts in support of the application
60. Communication dated May 3, 2011, from Lisa Gladue in support of the application
61. Communication dated May 1, 2012, from Dwayne Gladue in support of the application
62. Communication dated June 28, 2012, from Joan Hay in support of the application

63. Communication dated June 18, 2012, from Lorraine Henderson in support of the application
64. Communication dated May 3, 2012, from Darcy Hawkins in support of the application
65. Communication dated April 26, 2012, from Lori Hastings in support of the application
66. Communication dated June 27, 2012, from Shazia Harper in support of the application
67. Communication dated June 20, 2012, from Marcia Hobson in support of the application
68. Communication dated June 19, 2012, from Linda Norn in support of the application
69. Communication dated June 26, 2012, from Grant Jacobs in support of the application
70. Communication dated June 19, 2012, from Craig Johnston in support of the application
71. Communication dated April 26, 2012, from Raymos Knot in support of the application
72. Communication dated April 25, 2012, from Fay M. Keewatincaff in support of the application
73. Communication dated June 19, 2012, from Anne Linklater in support of the application
74. Communication dated April 26, 2012, from Norma Laforme in support of the application
75. Communication dated June 27 from Remming Lynxleg in support of the application
76. Communication dated June 19, 2012, from Bruce Lazinski in support of the application
77. Communication dated June 27, 2012, from Scadoar Leclaire in support of the application
78. Communication dated June 28, 2012, from Lavinig Letandre in support of the application
79. Communication dated June 27, 2012, from Terrill McIvor in support of the application
80. Communication dated April 26, 2012, from Tina Marinke in support of the application
81. Communication dated April 26, 2012, from Andrew McKenzie in support of the application
82. Communication dated June 6, 2012, from Robert Michell in support of the application
83. Communication dated May 1, 2012, from Karen Millings in support of the application
84. Communication dated June 20, 2012, from Sabrina Maytwayashing in support of the application

85. Communication dated April 26, 2012, from Jessy McKay in support of the application
86. Communication dated April 26, 2012, from Angeline Nasdeepoon in support of the application
87. Communication dated June 6, 2012, from Craig Nabess in support of the application
88. Communication dated April 26, 2012, from Leanne Waite in support of the application
89. Communication dated May 29, 2012, from Rainy White in support of the application
90. Communication dated April 26, 2012, from Colleen Whelan in support of the application
91. Communication dated April 26, 2012, from Wallace Whitcroft in support of the application
92. Communication dated May 29, 2012, from Jackie Woodhouse in support of the application
93. Communication dated May 29, 2012, from Angel White in support of the application
94. Communication dated May 1, 2012, from Oliver Williams in support of the application
95. Communication dated June 20, 2012, from Celina Watt in support of the application
96. Communication dated April 26, 2012, from Alden Wiebe in support of the application
97. Communication dated April 30, 2012, from Annette Williams in support of the application
98. Communication dated May 24, 2012, from Randy Shingoose in support of the application
99. Communication dated June 19, 2012, from Sharon Sanderson in support of the application
100. Communication dated May 3, 2012, from Christine Thompson in support of the application
101. Communication dated April 26, 2012, from Shirley Sanderson in support of the application
102. Communication dated May 3, 2012, from Sheena Sutherland in support of the application
103. Petition in opposition to the application purporting to contain the signatures of 41 area residents submitted by Sean Murphy
104. Communication dated July 3, 2012, from Iris Ingram in opposition to the application

105. Petition in support of the application purporting to contain the signatures of 20 area residents, submitted by the applicant
106. Communication dated July 3, 2012, from Kathie Timmermann, Director of Administration, Klinic Community Health Centre in support of the application
107. Communication dated July 3, 2012, from John Hutton, Executive Director, John Howard Society of Manitoba Inc. in support of the application
108. Communication dated July 3, 2012, from George Ingram, Ingram Consulting Ltd. in opposition to the application
109. Communication dated June 27, 2012, from Stephanie Unger in opposition to the application
110. Presentation submitted by John Hutton, Executive Director, John Howard Society of Manitoba Inc. in support of the application
111. Presentation submitted by the applicant in support of the application
112. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jeffrey Auger
Rene Agecoutax
Pauline Angoo
Samantha Berens
Crystal Beardy
Peggy-Lynn Beaver
Mary Bigsky
Adeline Boehm
Delilah Boehm
David Bratlie
Rachel D. Cameron
Cathy C. Campbell
Carolyn Carpenter
William Carpick
Ronald Catcheway
Rodney C. Chrusch
Tiffany Clayton
Carmelle Clearsky
Betty Jean Clipping
Lorna Cook
Barry Courchene
Michael Courchene
Leonard Creeley
Pat Desjarlais
Frances Desjarlais
J. D. Folkerts
Lisa Gladue
Dwayne Gladue
Charlene Gouldhawke
Chantel Harper
Shaneen Harper
Shazia Harper
Lori Hastings
Darcy Hawkins
Joan Hay
Lorraine Henderson
Marcia Hobson
Jackie Hogue
Linda Horn
Cassandra Houla
Judy Hunter
John Hutton
Grant Jacobs
Wade Johnson
Craig Johnston
Raymos Knot
Terry Kolken
Fay M. Keewatincaff
Anne Linklater
Norma Laforme
Remming Lynxleg
Bruce Lazinski
Scadoar Leclaire
Lavinig Letandre
Amanda N. McKay
Tina Marinke
Shane Mason
Sabrina Maytwayashing
Meg McGimpsey
Terrill McIvor
Jessy McKay
Andrew McKenzie
Robert Michell
Karen Millings
Nilgani Naabe
Craig Nabess
Angeline Nasdeepoon
Gloria Nobiss
Marilyn Oshawce

Sandra Parisian
Tammy Parisian
Jesse Parhe
Arnold Paul
Thomas Paul
Tish Pawlychyn
Jade Quagon
Leanne Waite
Celina Watt
David West
Colleen Whelan
Wallace Whitcroft
Rainy White
Angel White
Oliver Williams
Alden Wiebe
Annette Williams
Jackie Woodhouse
Larry Wucherer
Ashley Rae
Jennifer Rattray
Sharon Redsky
Don Rooney
Clarence Ross
Sandra Ross
Diane Roussin
Sharon Sanderson
Shirley Sanderson
Randy Shingoose
Herbe Smith
Jenilee Smith
Karen Smith
Brook Spence
Sheena Sutherland
Bonnie K. Thompson
Christine Thompson
Kathie Timmermann

In Opposition

Gloria Cardwell-Hoeppner
Maggie Friesen
Ryan Herdman
Iris Ingram
George Ingram
Richard Kathler
Dana Linton
Sean Murphy
Susan Radstrom
Shane Storie
Stephanie Unger
Travis Unger
Garry Yanyu

For Information:

Jamil Mahmood
Don Miedema

For the City:

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

Exhibit "5" referred to in File DAZ 215/2012

ADMINISTRATIVE REPORT

Title: DAZ 215/2012 – 443 Spence St

Issue: For consideration at the public hearing for a rezoning from " R2" Two Family Residential to " C1" Commercial to allow a social service facility to be maintained as a conditional use.

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 215/2012 dated June 26, 2012 to an "C1" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. Only the following uses shall be permitted uses on the land:
            a. All uses which are permitted in the "R2" Residential Two-Family District

        ii. The following uses shall be permitted as conditional uses:
            a. Social service facility
            b. All uses which are conditional uses in the "R2" Residential Two-Family District

        iii. That a social service facility use on the subject land shall be limited to a gross floor area of 3,200 square feet.

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

v. That for the development of any new building, structure, or addition, 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 and City Centre Community Committee 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 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 the 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 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" to "C1" and the accompanying conditional use application (if approved) will allow for the existing social service facility to be maintained and operated.

CONSULTATION

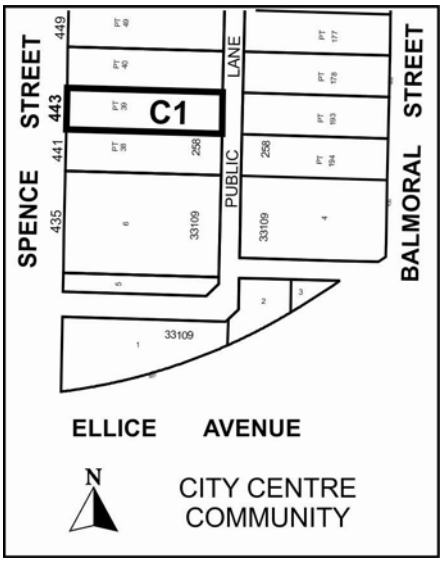
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Kevin Lalor
Date:	June 26, 2012
File No.	DAZ 215/2012

APPENDIX 'A'

DATE:	June 26, 2012
FILE:	DAZ 215/2012
RELATED FILES:	DAV 12-125379/D, DCU 12-125424/D
COMMUNITY:	City Centre
NEIGHBOURHOOD #:	1.104
SUBJECT:	To rezone the subject land from an "R2" Two-Family Residential District to a "C1" Commercial Neighbourhood District
LOCATION:	443 Spence Street
LEGAL DESCRIPTION:	Exc. east 8 feet Lot 39 Plan 258



APPLICANT:	Ma Mawi Chi Itata (Diane Roussin)
OWNER:	Same
RECOMMENDATION:	Approval with conditions

HISTORY:

- In 2008, Bridgman Collaborative Architecture, on behalf of the University of Winnipeg Housing Corporation made application (DAZ 224/08) to rezone the subject property from an " R2" Two Family Residential category to a " C1 " Commercial Neighborhood District which would allow for a conditional use application to permit the establishment of a social service facility. An accompanying variance was also made to permit reduced north, south and rear yards.
- A description of the proposed development at the time indicated that the existing dwelling would be expanded and renovated and there would be alterations and upgrading of the yard area. Specifically those changes included:

i) replacing the front porch with a cold weather vestibule;
ii) constructing a one storey addition that would extend from the east side of the existing house to approximately 25.7 feet of the rear property line;
iii) constructing decks and ramps to access the building;
iv) replacing the four accessory gravel parking spaces with three accessory paved parking spaces, on the understanding that the majority of staff' and clients' primary transportation mode is expected to be walking, including walking to/from Winnipeg Transit stops that are on Ellice or Sargeant Avenues or Balmoral Street; and
v) removing the existing fence in the front yard and to redevelop said yard into a quasi-public open space available for casual community use.

A "Social Service Facility" with a gross floor area of approximately 3,000 square feet was the proposed principal use of the subject land and it was indicated that the new facility would::

i) operate from Monday to Friday, 8:30 AM to 4:30 PM and for approximately two days per week it would remain open until 9:00 PM;
ii) provide family programming and support services, with one-hour group sessions consisting of up to 30 people, with services provided to approximately 12 drop-in users per day during regular hours and with approximately six staff persons;
iii) provide individual drop-in users access to a kitchen, laundry facilities, the Internet and other services such as bus tickets and food vouchers; and
iv) provide families with educational services, child and welfare advocacy, food vouchers, cooking classes, short-term daycare while parents are in programming at the social service facility, in-home support services, parenting groups, healthy lifestyle and relationship programs and access to laundry facilities and to traditional craft-making.

- At the Public Hearing in July , 2008 the City Centre Community Committee endorsed the proposed rezoning and accompanying variances subject to the following conditions:

1. That The Winnipeg Zoning By-law 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/08 dated July 5, 2008 to a "C1" Commercial Neighbourhood District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

i. That the following uses shall be prohibited from the subject land:
- *a. animal hospital or veterinary clinic,*
- *b. kennel,*
- *c. restaurant,*
- *d. office,*
- *e. personal services,*
- *f. retail sales and*
- *g. contractor's establishment*

ii. That a social service facility on the subject land has a gross floor area no more than 3,500 square feet.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

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 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.

There was also a clause which specified:

"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".

- In September 2008, the application was adopted by City Council.
- Accordingly, Ma Mawi Wi Chi Itata Centre went ahead with the proposed renovations which were completed in June 2009 at a cost of $693,000.00.
- Unfortunately, due to a number of miscommunications between Ma Mawi Wi Chi Itata Centre and Bridgman Architectural Firm , the required administrative fees of $ 686.00 covering the rezoning process were never paid, which meant that by June 2010 , the application had expired and the subject social service facility were unknowingly operating illegally.

- In February 2012, a local community group informed Ma Mawi Wi Chi Itata that the initially requested rezoning was not in place and a new application was required to rectify the situation.
- A new application to rezone with accompanying conditional use application and variances was officially made at the City of Winnipeg in April 2012

SITE DESCRIPTION:

The subject land is at the east side of Spence Street and north of Ellice Avenue in the Spence Neighbourhood of the Daniel McIntyre Ward. The subject land has a lot area and a lot width of approximately 4,092 square feet and 33 feet; and is occupied by a 2 ½ story, approx. 2932 sq.ft. social service facility, for which the renovations and additions were completed in 2009.

The subject land:

- Is in an "R2" Residential Two-Family District;
- Is in the vicinity of other "R2" Residential Two-Family Districts and a "C1" Commercial Neighbourhood District;
- Is in the vicinity of Ellice Avenue, which is adjacent to "C2" Commercial Community Districts and "M" Multiple-Use Sectors, the latter of which are in the downtown and, therefore, are under the Downtown Winnipeg Zoning By-law 100/2004; and is in the vicinity of Balmoral Street, which is adjacent to a "C2" Commercial Community District, an "RMF-L" Residential Multiple-Family District (large-scale) and "M" Multiple-Use Sectors.



Figure 1: Site map of subject property and surrounding neighbourhood

- Was principally a single family residential occupancy use in a 2 ½ storey building up until 2009 when approximately 750 sq. ft. of additional space was added (primarily) at the rear of the building to accommodate a social service facility offering a wide range of programs and services to the local community (i.e. parenting classes, arts and crafts, anger management courses, CFS assistance , family support etc). That service is currently ongoing.
- Is adjacent to a lot with a 2 ½ storey single-family dwelling and a lot with non-accessory surface parking;is in the vicinity of several other single-room occupancy uses in buildings that are 2 ½ or 3 storeys; and
- Is in the vicinity of several other single-room occupancy uses in buildings that are 2 ½ or 3 storeys; and is also in the vicinity of two two-family dwellings that are 2 ½ storeys, two 3 ½ storey multiple-family dwellings, one six storey multiple-family dwelling within which is also a cultural centre, one 2 ½ storey building with one dwelling unit and a single-room occupancy use and three non-accessory surface parking areas

DESCRIPTION OF THE CURRENT SERVICE PROVIDED:

- Ma Mawi Wi Chi Itata has been operating at the current location at 433 Spence Street since June 2009.
- The Centre is a non profit government funded organization that provides a fairly wide range of services and programs to the neighboring community.
- People attend the facility seeking support or counseling for a variety of individual or family related issues i.e. family parenting or anger management to mention just two.
- There are arts and crafts programs and workshops.
- Some individuals request transit bus tickets and when necessary lunches are distributed when food is donated by Winnipeg Harvest. This only occurs once or twice every two weeks and is seldom utilized by more than 30 people.
- Ma Mawi records the daily attendance/visits of everyone who enters the premises and it also records the purpose of their visit.
- The records indicate that there were 5001 community visits in the twelve month period 2010-2011 and 4961 community visits in the 2011- 2012 time frame.
- On the busiest day of the year, when a function/activity like a bingo is held, a maximum of 45 people might be in attendance. Most week days, not more than 30 individuals (including 5 staff) will pass through the doors.

ANALYSIS AND ISSUES

<u>OurWinnipeg and Complete Communities Direction Strategy</u>

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Several of the objectives outlined in the Complete Communities strategy are as follows:

    - support low to moderate change in low density neighborhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction and
    - Support a mix of commercial services and employment uses that serve the local community.

<u>Zoning</u>

- The Commercial Neighbourhood (C1) district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local streets or at local/collector intersections.

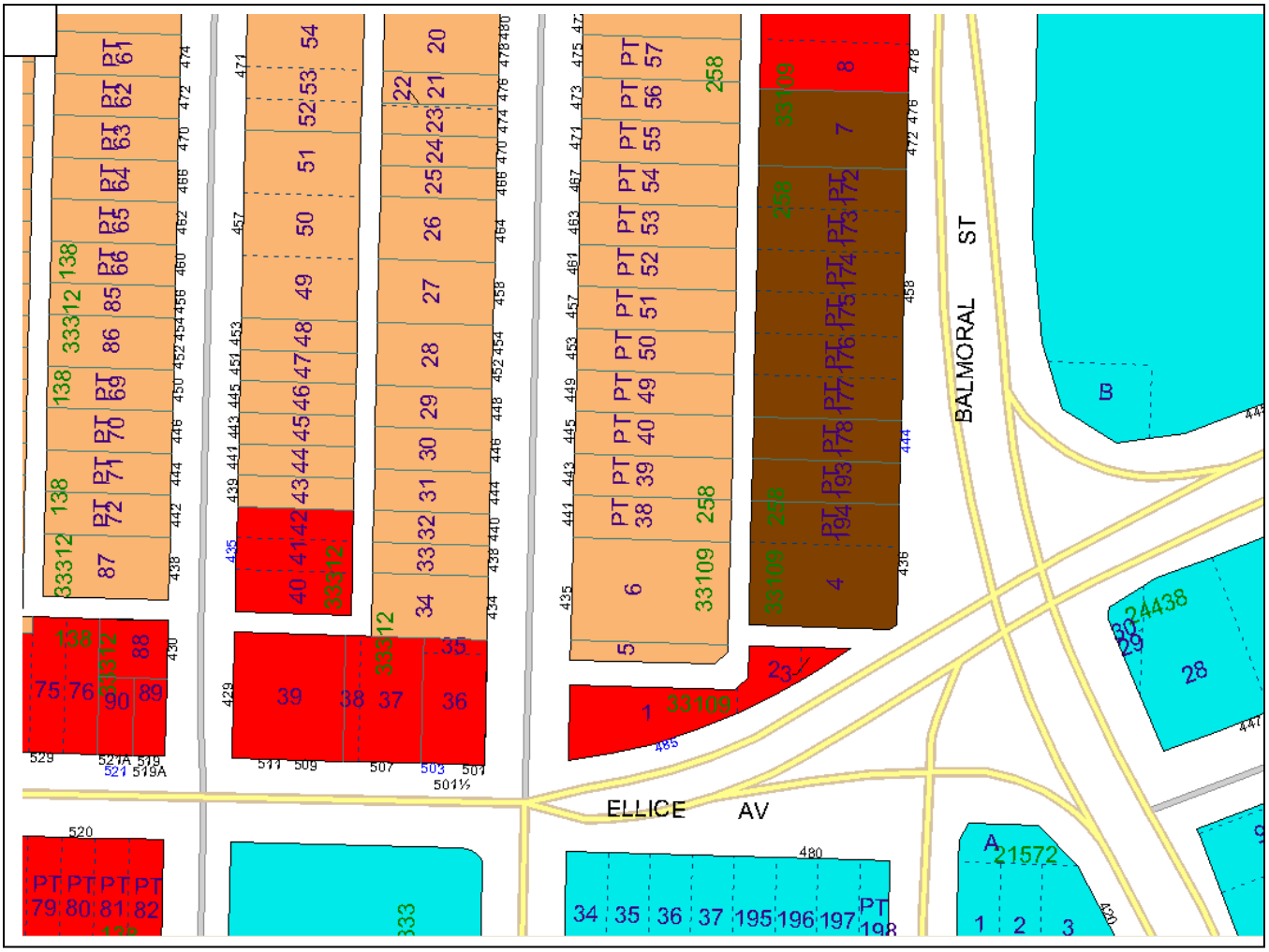


Figure 2: Zoning map of subject property and surrounding neighbourhood

Legend : Light Brown- R2 Two Family
Red-Commercial
Dark Brown- Multiple Family

Neighborhood Compatibility

- Some social service organizations like Ma Mawi Wi Chi Itata Centre operate most efficiently and more easily fulfill their mandate when they are sited in close proximity to the clientele that they serve. That was their rationale for locating close to Spence Street and Ellice Avenue close to the University of Winnipeg. The majority of the people who take advantage of the service they provide walk to the facility and tend to live in the local neighborhood. That said the facility is ideally situated given that 1) it is **not** located mid street where it might tend to have a greater adverse effect on adjoining residential homes and 2) it is **not** occupying an existing commercial building on Ellice Avenue which would clearly not be supported by the West End Biz. The building is suitably sited the third lot north of Ellice, one of which is utilized as a parking lot. It is therefore felt that the facility is generally compatible with and appropriately situated within the local neighborhood.

Concluding Comments

The Planning Property and Development Department has reviewed all three of the subject applications and concluded that the they can be supported for the following reasons:

- A representative of the Planning Department has toured the facility and raised several of the concerns (identified by local business owners and residential home owners) with the Executive Director of Ma Mawi Wi Chi Itata Centre, i.e. litter on the grounds and adjacent properties, people sleeping on or under their steps or decks etc. The Director and Operations Manager are acutely aware of the issues raised and have already dealt with several of them; at one time , drop – ins would occasionally leave the building, having had a meal or a coffee and discard their paper plates or cups in the yard or street . Littering was becoming an issue but it has been addressed by management not allowing the use of disposable utensils or plates or cups any time. The applicants have also filled in the areas under the steps of other enclosures where people would periodically spend the night.
- The Centre continues to provide a much needed and necessary function, serving both the Aboriginal and non Aboriginal community by offering a wide range of community driven programs etc.
- There has been a conscious effort to upgrade both the building and the grounds which can only be of benefit to the surrounding neighborhood.
- And finally, the Department has endeavored to tighten up the conditions outlined in the original 2008 report by restricting the use of the land to one singular use under the “C1” Commercial Zoning - that of a Social Service Facility with associated office space etc. The building area is also strictly limited to 3200 sq. ft., which effectively means that the current structure will remain as is. There is no provision for or support of any further expansion.

RECOMMENDED CONDITIONS OF APPROVAL:

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 215/2012 dated June 26, 2012 to an “C1” Commercial District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

ii. Only the following uses shall be permitted uses on the land:
   b. All uses which are permitted in the "R2" Residential Two-Family District

ii. The following uses shall be permitted as conditional uses:
   a. Social service facility
   b. All uses which are conditional uses in the "R2" Residential Two-Family District

iii. That a social service facility use on the subject land shall be limited to a gross floor area of 3,200 square feet.

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

v. That for the development of any new building, structure, or addition, 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 and City Centre Community Committee 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.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 212/2012

APPENDIX "B"

Schedule "A" for File No. DAZ 211/2012, City Centre Committee, dated June 26, 2012

By-Law No. _____

File No. **DAZ 215/12**

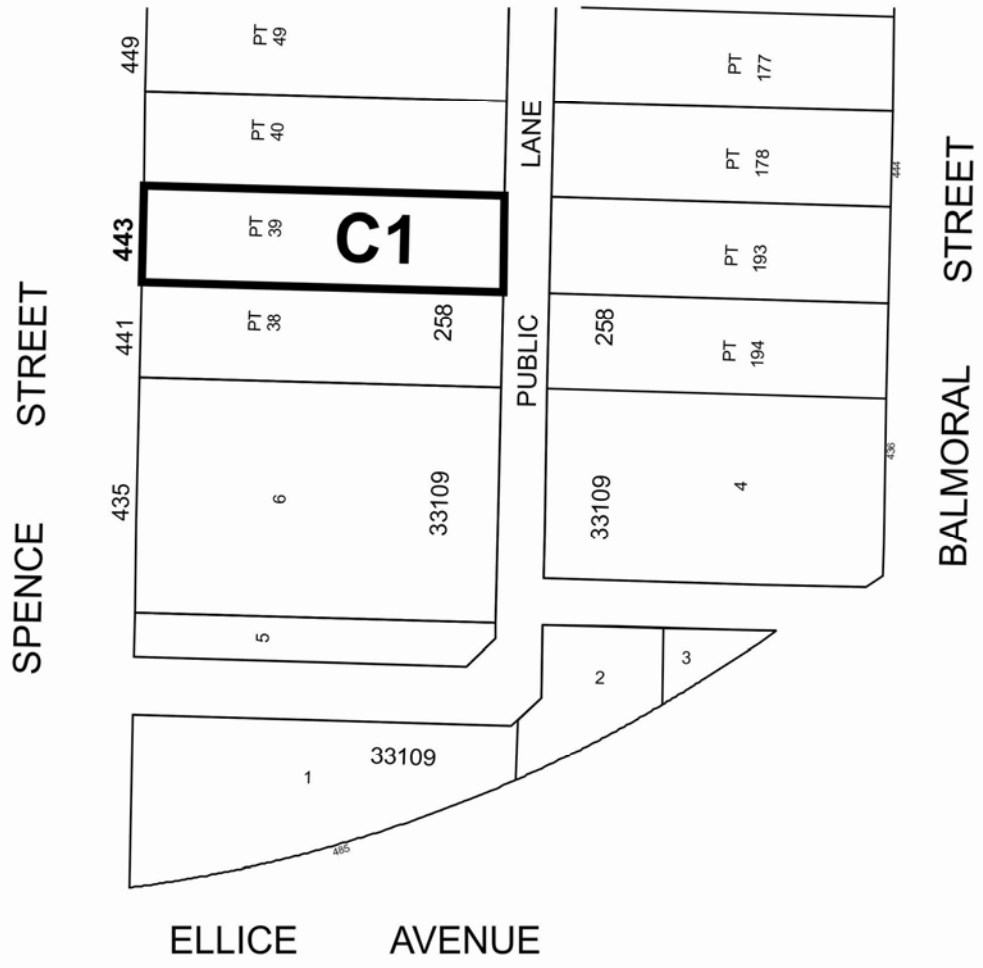
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 443 Spence Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the maintenance of a social service facility use as shown outlined below.

Atlas Sheet No.

N

Z24
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____