Agenda – Council – April 24, 2013

Report – Executive Policy Committee – April 3, 2013

Item No. 5 Rezoning – 159 Mayfair Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 243/2012 [c/r DAV 103008/2013D and DCU 103017/2013D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 3, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That the plan of rezoning under File DAZ 243/2012 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 243 /2012 dated March 12, 2013 to a "C1" Commercial District, subject to the following conditions:

    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 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the following uses shall not be permitted on the land
            1. Contractor's establishment
            2. Retail sales
            3. Restaurant
            4. Kennel
            5. Post office/carrier depot

        iii. That the following uses shall be conditional uses on the land
            1. Personal services
            2. Animal hospital or veterinary clinic

Report – Executive Policy Committee – April 3, 2013

iv. The Developer and all successors in title shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the title to the lot, a private cross access agreement with Lots 2-4, Plan 27520 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency vehicles and transit buses. The Developer and owners must submit the agreement or easement to the City Solicitor for approval prior to execution.

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 – Executive Policy Committee – April 3, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 3, 2013, 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 12, 2013, 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 – 159 Mayfair Avenue**
File DAZ 243/2012

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **March 13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 12, 2013, 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 plan of rezoning under File DAZ 243/2012 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 243 /2012 dated March 12, 2013 to a "C1" Commercial District, subject to the following conditions:

    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 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the following uses shall not be permitted on the land
            1. Contractor's establishment
            2. Retail sales
            3. Restaurant
            4. Kennel
            5. Post office/carrier depot

        iii. That the following uses shall be conditional uses on the land
            1. Personal services
            2. Animal hospital or veterinary clinic

iv. The Developer and all successors in title shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the title to the lot, a private cross access agreement with Lots 2-4, Plan 27520 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency vehicles and transit buses. The Developer and owners must submit the agreement or easement to the City Solicitor for approval prior to execution.

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.

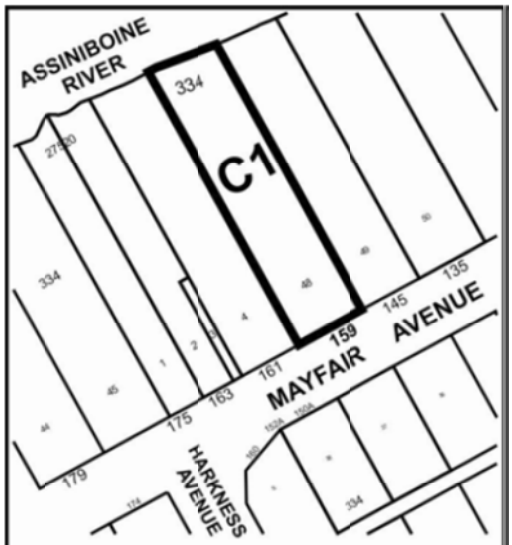
7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. It’s a needed upgrade to services provided by Macdonald Youth Services.

2. The upgrade to the building will allow them to provide better services to youth.

PUBLIC HEARING SUMMARY

File:	DAZ 243/2012
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi
Public Hearing:	March 12, 2013 West Committee Room Council Building, 510 Main Street
Applicant:	SNH Architecture Inc. (Evan Hanson)
Subject:	

Premises Affected: 159 Mayfair Avenue

Exhibits Filed:

1. Application dated January 11, 2013
2. Notification of Public Hearing dated January 21, 2013
3. Manitoba Status of Title 2462911/1
4. Copy of Caveat 893032
5. Historic Property Notice, dated February 2012
6. Letter of authorization dated December 20, 2012 from Erma Chapman, Sir Hugh John Macdonald Memorial Hostel to Evan Hanson, SNH Architecture
7. Plans (1 pages)
8. Report from the Planning and Land Use Division dated March 5, 2013
9. Inspection Report
10. Revised Report from the Planning and Land Use Division dated March 12, 2013
11. Audio Recording of representations

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

Erma Chapman
Evan Hanson

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "10" referred to in File DAZ 243/2012

ADMINISTRATIVE REPORT

AMENDED REPORT

Title: DAZ 243/2012 – 159 Mayfair Avenue

Issue: For consideration at the Public Hearing for a rezoning from "RMF-M" Multiple Family to a "C1" Commercial category to allow for the establishment of a social service facility and care home.

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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 243 /2012 dated March 12, 2013 to a "C1" Commercial District, subject to the following conditions:

   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 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the following uses shall not be permitted on the land
         1. Contractor's establishment
         2. Retail sales
         3. Restaurant
         4. Kennel
         5. Post office/carrier depot

iii. That the following uses shall be conditional uses on the land
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iv. The Developer and all successors in title shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the title to the lot, a private cross access agreement with Lots 2-4, Plan 27520 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency vehicles and transit buses. The Developer and owners must submit the agreement or easement to the City Solicitor for approval prior to execution.

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 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 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, permits may be issued for the necessary renovations to be proceeded with.

CONSULTATION

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

SUBMITTED BY

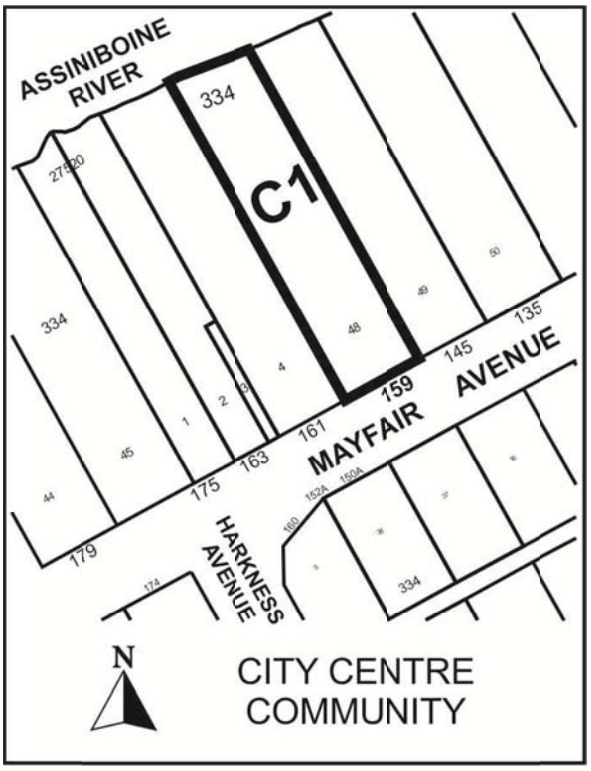
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	March 12, 2013
File No.	DAZ 243/2012

APPENDIX 'A'

DATE: March 12, 2013
FILE: DAZ 243/2012
RELATED FILES: DAV 13-103008/D, DCU 13 -103017/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: River Osborne 1.11

SUBJECT: To rezone the subject land from an "RMF-M" Multiple Family Residential District to a "C1" Commercial District

LOCATION: 159 Mayfair Avenue
LEGAL DESCRIPTION: Lot 48 Plan 334 WLTO (W. Division) in PL 41 Parish of St. Boniface



APPLICANT: SNH Architecture, Evan Hanson

OWNER: Sir Hugh John MacDonald Memorial Hostel

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION:

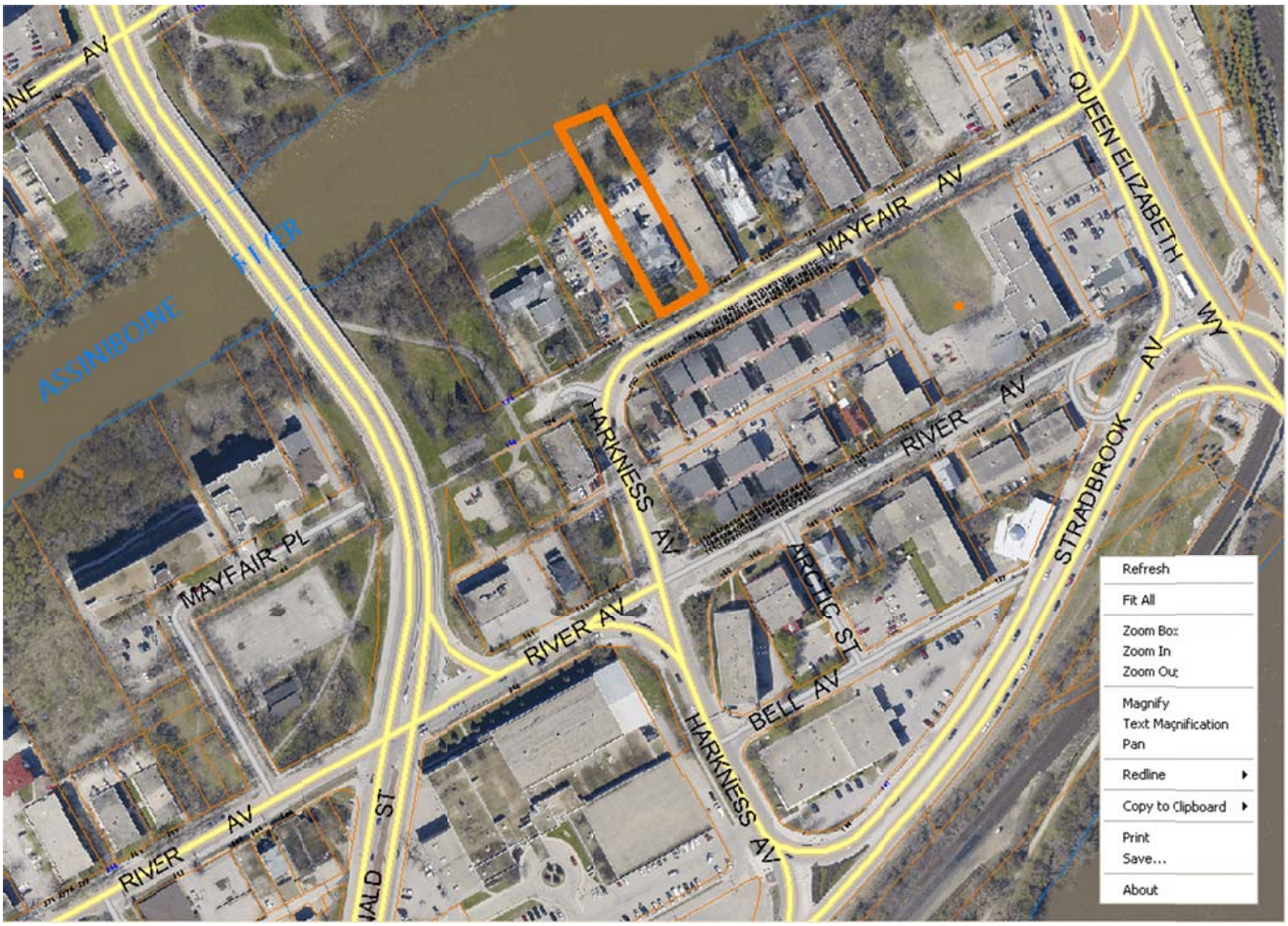


Figure 1: Subject Site and Surrounding Area

The subject property, which is currently zoned “RMF-M” Multi-Family Residential District, is located on the north side of Mayfair Avenue across from a 48 unit Manitoba Housing complex. 159 Mayfair is part of a 4-lot, 4 building complex owned and operated by the Sir Hugh John Macdonald Memorial Hostel Service. The properties in question are all flanked by the Red River to the north and the midtown bridge to the west.

North: The subject property abuts the Red River to the north.

South: Adjacent to the south is a large 48 dwelling unit Manitoba Housing complex zoned “RMF-M” Multiple Family.

East: To the east are, on the four adjoining lots, are a number of medium size multiple family apartment buildings, all of which house between 16 and 29 dwelling units. The area is similarly zoned “RFM-M“ Multiple Family.

West: To the east are the three remaining lots owned and operated by the Sir Hugh John Macdonald Association. All three adjoining properties are zoned “RMF-M” Multiple Family.

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

- Macdonald Youth Services has operated an emergency youth shelter at 161 Mayfair Avenue for close to twenty years.
- MYS has outgrown that aging facility and much needed renovations are not structurally feasible.
- The plan is to upgrade an adjacent building at 159 Mayfair Avenue which will become the new home of the MYS Youth Resource Centre & Shelter.
- Essentially the mandate will be the same – specifically, to offer the only emergency shelter for homeless at risk youth in the City of Winnipeg.
- The Centre will deliver intake services and specialized treatment in a secure and private environment monitored by closed circuit television.
- Generally homeless at risk youth between the ages of twelve and seventeen are the targeted clientele, all of whom will receive emergency short term shelter and individual counseling where necessary.
- In addition to the internal renovation effort, a small building at the rear of the subject property is to be demolished.
- In addition to the rezoning and conditional use, two accompanying maintenance variances are effectively created by the rezoning to commercial: a) an existing front yard exceeding 10 feet and b) an accessory parking area with gravel surfacing instead of asphalt, concrete or paving stones.
- The Public Service supports the requested rezoning to "C1" Commercial (with conditions) and the accompanying conditional use and variances.

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/Our Winnipeg 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.
    - Continue to build key partnerships with community leaders and community organizations aimed at providing effective and complete services in jointly identified priority areas, such as support for children and youth at risk of victimization and other vulnerable populations.

Zoning Agreement:

The Public Service is recommending a zoning agreement, which would restrict the types of uses which could be developed on this property, in the future. This is necessary because an open ended "C1" Commercial District would allow for a variety of uses which would not necessarily be appropriate at this location.

The Public Service is also recommending a cross access agreement to ensure that this property will have continued access in the future.

Heritage Status:

In 2008, the Standing Policy Committee on Property and Development placed the John Duncan McArthur House at 159 Mayfair Avenue on the Buildings Conservation List under the Historical Buildings By-Law No.1474/77 (with a Grade III designation). There were five primary elements of the original building (constructed in 1903) to be protected which are as follows:

Exterior:

1. The south-facing brick building resting on a raised, rough-cut stone foundation located mid-block on Mayfair Avenue
2. Ornate wrap-around porch with paired wooden columns on tall stone bases and robust limestone steps
3. The rounded, two-storey bay windows topped by deep, curved eaves and rough-cut stone accenting of the front (south) façade
4. Raised section between the bay windows with its modified Swan's Neck pediment
5. West-facing stained-glass piano window

Should any of the items on the aforementioned list were to be altered, the owners would need to apply for a Certificate of Suitability or Heritage Permit from the City of Winnipeg. A Certificate is **not** currently required , at this point, given that all five of the protected elements inherent in the original building design are to be maintained and protected. That portion of the existing building at the rear of the structure which is to be demolished is a recent addition constructed in the 1970's. It is not eligible for protection under the By-Law.

RECOMMENDATIONS:

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

- The rezoning will allow Macdonald Youth Services to continue to serve homeless at risk youth in an upgraded facility. The current emergency shelter is the only facility in the City offering this specific kind of service in addition to counseling services.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 243/2012

Schedule “A” for File No. DAZ 243/2012, City Centre Community Committee, dated March 12, 2013

By-Law No. _____

File No. **DAZ 243/12**

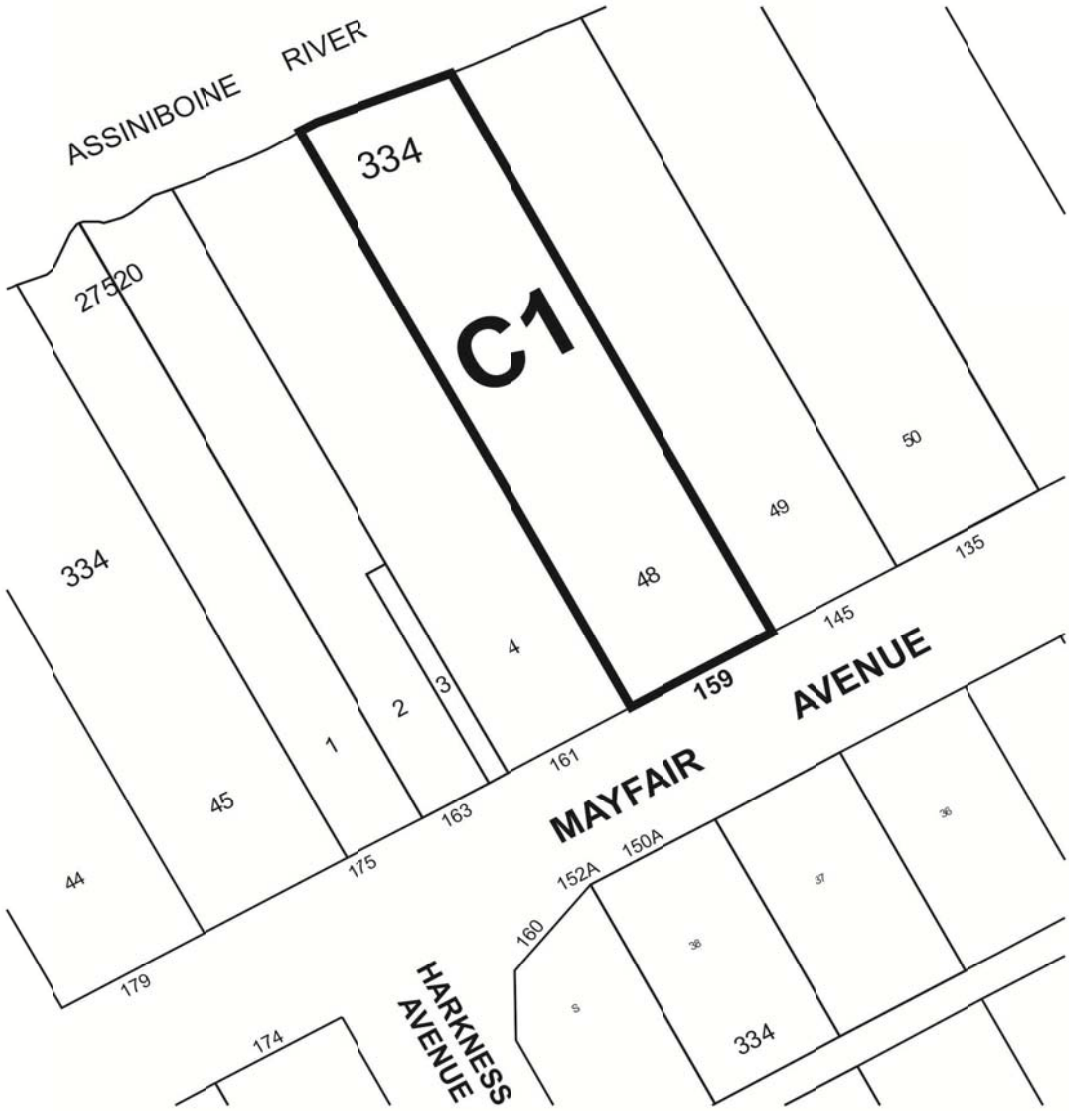
Atlas Sheet No.

N

AA25
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 159 Mayfair Avenue from an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the establishment of a social service facility and care home use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____