Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

Item No. 3 Rezoning – 1065 Ellice Avenue
(Daniel McIntyre Ward)
File DAZ 217/2014 [c/r DCU 120994/2014D and DAV 125342/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown in Attachment "A" for File DAZ 217/2014 dated June 30, 2014 to a "C2 Commercial Community - Airport Vicinity Protection Area 2" District.

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

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

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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

Report – Executive Policy Committee – September 10, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2014, 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 – 1065 Ellice Avenue**
File DAZ 217/2014

For submission to: **Executive Policy Committee**

Prepared by: **Mr. A. Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **July 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown in Attachment "A" for File DAZ 217/2014 dated June 30, 2014 to a "C2 Commercial Community - Airport Vicinity Protection Area 2" District.

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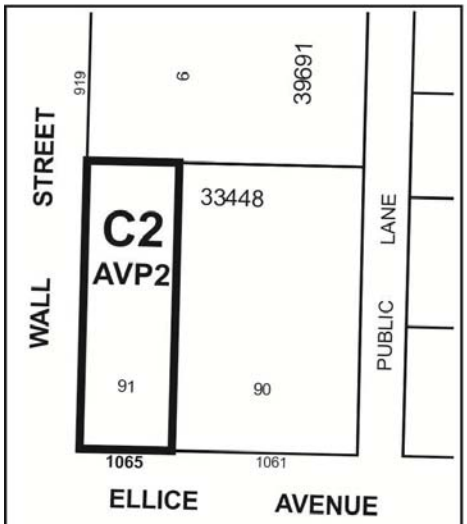
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5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. It is not going to cause any problems for the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 217/2014
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow Councillor Smith
Public Hearing:	July 8, 2014 Council Building, 510 Main Street
Applicant:	Rene Gauthier and Jolene Racette
Subject:	 **APPLICANT :** RENE GAUTHIER & JOLENE RACETTE **FILE :** DAZ 217/14 **PROPOSAL :** To rezone the land shown outlined above from an "M1 PDO AVP2" MANUFACTURING LIGHT DISTRICT AIRPORT VICINITY 2 AREA to a "C2 PDO AVP2" COMMERCIAL COMMUNITY DISTRICT AIRPORT VICINITY 2 AREA to facilitate the establishment of a proposed body modification use (tattoo/art studio). **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 1065 Ellice Avenue

Exhibits Filed:

1. Application dated May 9, 2014
2. Notification of Public Hearing dated May 23, 2014
3. Manitoba Status of Title 2092403/1
4. Letter of authorization dated March 26, 2014 from Jesmen Syeda to Rene Gauthier
5. Surveyor's Building Location Certificate and sketch dated April 10, 2014
6. Plans (1 page)
7. Report from the Urban Planning Division dated June 30, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Rene Gauthier
Jolene Racette

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 217/2014

ADMINISTRATIVE REPORT

Title: DAZ 217/2014 1065 Ellice Ave

Issue: For consideration at the public hearing for a Rezoning for DAZ 217/2014 1065 Ellice Ave

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. 200/2006 be amended by rezoning the subject land as shown in Attachment "A" for File DAZ 217/2014 dated June 30, 2014 to a "C2 Commercial Community - Airport Vicinity Protection Area 2" District.

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

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REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will be rezoned.

CONSULTATION

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

SUBMITTED BY

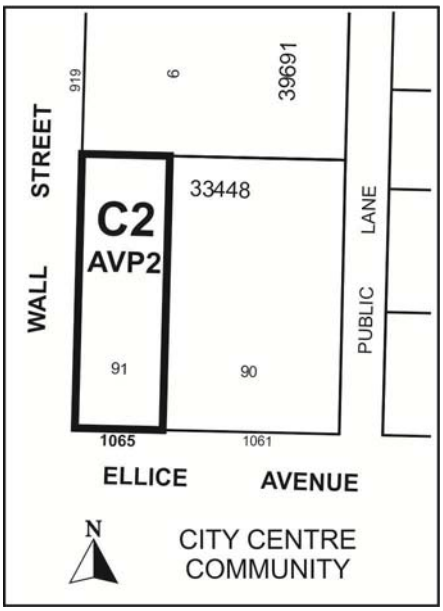
Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Andrew Ross, MCP
Date:	June 30, 2014
File No.	DAZ 217/2014 1065 Ellice Ave

APPENDIX 'A'

DATE: June 30, 2014
FILE: DAZ 217/2014 1065 Ellice Ave
RELATED FILES: DCU 120994/14D, DAV 125342/14D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.118

SUBJECT: To rezone the subject land from an "M1" Manufacturing Light District to a "C2 Commercial Community - Airport Vicinity Protection Area 2" District

LOCATION: 1065 Ellice Ave
LEGAL DESCRIPTION: SP Lot 91 Plan 33448 WLTO in RL 55&56 PARISH OF ST. JAMES



APPLICANT: Rene Gauthier

OWNER: 4631260 MANITOBA LTD. (JESMEN SYEDA)

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, zoned "M1" Manufacturing Light District within the Airport Vicinity Protection Area 2, is located at the northeast corner of Ellice Avenue and Wall Street the Sargent Park neighbourhood of the Daniel Macintyre ward.

The subject site is 3,200 square feet in area.

The immediate area is characterized primarily by a mix of residential, industrial, commercial and institutional uses. Adjacent land uses include:

North: Place of Worship (zoned "M1" Manufacturing Light District).

South: Restaurant (zoned "M1" Manufacturing Light District).

West: Commercial uses (zoned "M1" Manufacturing Light District).

East: Place of Worship (zoned "M1" Manufacturing Light District).

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to establish a Body Modification Establishment on the subject property. The subject property contains two attached buildings, one of which (the southernmost) is proposed for the Body Modification Establishment (see Attachment "A"). Both buildings are owned by 4631260 MANITOBA LTD. A licensed tattoo studio and art studio are services the applicant intends to provide within the Body Modification Establishment (see Attachment "B" for applicant's Letter of Intent).

REASON FOR APPLICATION

The proposed use is classified as a Body Modification Establishment, which is not permitted in the "M1" Manufacturing Light District. Consequently, a rezoning to "C2" Commercial District is required. In the "C2" Commercial District, Body Modification Establishment is a Conditional Use. For this reason, the present application is being accompanied by a Conditional Use Application (see related file DCU 120994/14D).

ANALYSIS AND ISSUES

Context

While light manufacturing was once predominant along much of Wall Street and Erin Street and offices and warehousing uses are still common, a greater mix of commercial including restaurants, financial institutions and retail has come to increasingly define the immediate area. The proposed use is situated directly on the corner of Ellice Avenue and Wall Street. Wall Street and Erin Street in particular are the commercial focus for these few blocks. Wall and Erin are flanked by residential (mostly single family) to the east and west respectively. Commercial establishments, including Body Modification Establishments, are compatible with the land use context of this location.

Policies

*O*urWinnipeg and Complete Communities Direction Strategy

Wall Street has the characteristics of a community mixed use corridor, and Ellice has the characteristics of a neighbourhood mixed use corridor. Key policies of Complete Communities that apply to mixed use corridors are:

- Promote corridors as a link between neighbourhood, community and regional scale centres.
- Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
- Complete Communities supports a cluster approach, whereby multi-block sections of corridors, which already have existing commercial development patterns, key intersections, and/or other property influences are encouraged to intensify, thus maximizing multi-modal transportation opportunities.

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

Zoning
Body Modification Establishments are allowed as a Conditional Use in the “C2” district with no Use Specific Standards. There are no limitations pertaining to commercial zoning or commercial uses within the Airport Vicinity Protection Area.

Summary
This corner – Ellice Avenue and Wall Street – has transitioned to a greater mix of commercial including retail and this corner is part of the commercial focus for the immediate area. By accommodating commercial development on a corner along two mixed use corridors, the location of the proposed rezoning complies with the intent of Complete Communities. For these reasons, the Winnipeg Public Service supports the proposed rezoning.

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

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

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

Report Prepared by: Andrew Ross, MCP
PPD File # DAZ 217/2014 1065 Ellice Ave

ATTACHMENT "A"
Schedule "A" for File No. DAZ 217/2014, City Centre Community Committee June 30, 2014

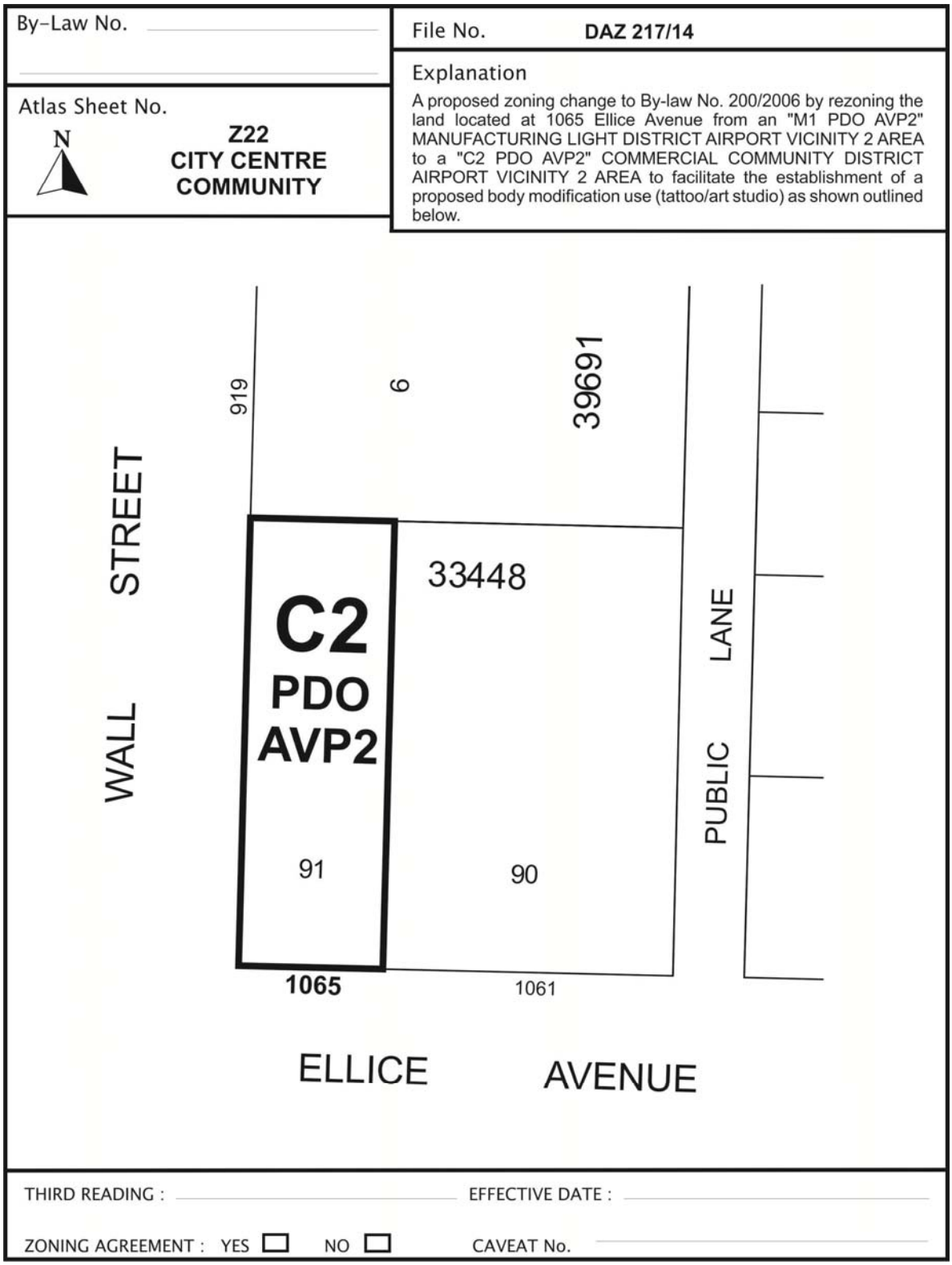




Figure 1: Air photo of the subject property and surrounding area (2012)

ATTACHMENT "B"
Applicant's Letter of Intent

March 26, 2014

To whom it may concern:

I submit this Letter of Intent to notify the City of Winnipeg that I, Rene Gauthier would like to operate a licensed tattoo studio at 1065-A Ellice Ave.
I plan to perform tattoo's as well as use the facil as an art studio.
As an artist I have a strong passion for art and tattoo's which is why I anticipate open and run a tattoo studio!

Thank You,

Rene Gauthier - Rene Gauthier