Minutes – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management - July 7, 2015

PUBLIC HEARINGS

Item No. 1 **Appeal - Variance – 300 Princess Street**
(Point Douglas Ward)
File DAV114337A/2015B

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management allowed the appeal in part, did not concur in the decision of the Director of Planning, Property and Development and approved a Variance on "the land" for the erection of fascia sign to permit a digital static copy sign, subject to the following conditions:

1. That the auto-diming sensor must remain engaged

2. That the copy must have a minimum hold time of 7 seconds

3. That there be no animation, moving copy, or transitions on the sign

4. That no third-party advertising be permitted on the sign

5. That the sign can only operate from 7a.m.to 7p.m. daily

6. That the Variance shall terminate on July 1, 2020

Further, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management cancelled Variance Order DAV114337/2015B.

DECISION MAKING HISTORY:

Pursuant to section 52 of the Procedure By-law No. 50/2007, Councillor Orlikow advised that he would refrain from hearing the Appeal on File DAV114337A/2015B inasmuch as he did not sit in on the previous adjourned hearing with respect to this property, and left the meeting.

Pursuant to section 8(4) of the Procedure By-law No. 50/2007, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management proceeded with a quorum of two members present.

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

Moved by Councillor Browaty,

That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Browaty,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Browaty,

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(a) [√] is consistent [ ] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [√] does not create [ ] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) [√] is [ ] is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

DECISION MAKING HISTORY (continued):

(d) [√] is [ ] is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

1. Siloam Mission Inc. provides an important role in community.

2. The area Councillor spoke to the need in the community.

3. Digital boards are effective in getting out messages.

4. The property is at the edge of the Downtown and Exchange District and close to industrial type uses in the area.

Carried

Moved by Councillor Browaty,
That the appeal be allowed in part, the decision of the Director of Planning, Property and Development not be concurred in, and Variance Order DAV114337/2015B be cancelled.

Carried

Moved by Councillor Browaty,
That the public hearing with respect to this appeal be concluded.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 22, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management adjourned the appeal hearing to its special meeting on July 7, 2015 at 1:00 p.m., in the Council Building at 510 Main Street.

Winnipeg

THE CITY OF WINNIPEG
VARIANCE APPEAL ORDER
STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, HERITAGE AND RIVERBANK MANAGEMENT

DAV114337A/2015B

Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Mayes, Chairperson Councillor Browaty
Hearing:	July 3, 2015 June 22, 2015 Council Building, 510 Main Street
Applicant:	LED Sign Nation (Steve Tait)
Premises Affected:	300 Princess Street
Legal Description:	LOT 11/12 PLAN 32092 11 & 35 ST J, hereinafter called "the land"
Property Zoned:	Multiple-Use Sector
Nature of Application:	To vary the "Multiple-Use" Sector regulations of Downtown Winnipeg Zoning By-law No. 100/2004 for the erection of fascia sign to permit a digital static copy sign said sign being prohibited on any building that is on the list of Historical Resources or is nominated under the Historical Resources By-law.

ORDER MADE BY THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning Property and Development rejected a Variance, File DAV114337/2015B, to LED Sign Nation (Steve Tait), for premises located at 300 Princess

Street for the erection of fascia sign to permit a digital static copy sign said sign being prohibited on any building that is on the list of Historical Resources or is nominated under the Historical Resources By-law.

Pursuant to the provisions of The City of Winnipeg Charter, LED Sign Nation (Steve Tait), appealed the Variance Order DAV114337/2015B and after Notice, the appeal was heard on June 22 and July 3, 2015.

Upon consideration of the evidence adduced and submissions made, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is of the opinion that, subject to the condition(s) imposed, if any, this Appeal Order does meet the statutory criteria as outlined in Subsection 247(3) of The City of Winnipeg Charter, in that it:

(a) [√] is consistent [ ] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [√] does not create [ ] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) [√] is [ ] is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) [√] is [ ] is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

1. Siloam Mission Inc. provides an important role in community.

2. The area Councillor spoke to the need in the community.

3. Digital boards are effective in getting out messages.

4. The property is at the edge of the Downtown and Exchange District and close to industrial type uses in the area.

ORDER:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management orders:

That the appeal is allowed in part and the provisions of the "Multiple-Use" Sector regulations of Downtown Zoning By-law No. 100/2004 are varied on "the land" for the erection of fascia sign to permit a digital static copy sign, subject to the following condition(s) necessary to ensure conformity with the statutory criteria of The City of Winnipeg Charter:

1. That the auto-diming sensor must remain engaged

2. That the copy must have a minimum hold time of 7 seconds

3. That there be no animation, moving copy, or transitions on the sign

4. That no third-party advertising be permitted on the sign

5. That the sign can only operate from 7:00 a.m.to 7:00 p.m. daily

6. That this Order shall terminate on July 1, 2020.

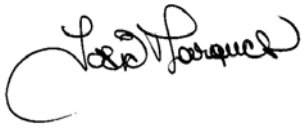
That Variance Order DAV114337/2015B dated April 23, 2015, is cancelled.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

NOTE: VARIANCE REQUESTED HAS BEEN MODIFIED.

DATE OF ORDER: July 8, 2015

CERTIFIED BY:



Josie Marques
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Steve Tait
Garry Corbett
Mike Beauregard
Mike Pagtakhan

In Opposition to the Appeal:

Nil

For Information on the Appeal:

Nil

For the City:

Mr. M. Pittet, Acting Director of Planning, Property and Development
Mr. B. Smith, Chief Planner, Planning, Property and Development Department
Mr. K. Kowalke, Senior Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV114337A/2015B

1. Order DAV 114337/2015B dated April 23, 2015
2. Notice of Appeal filed by Steve Tait, LED Sign Nation, received May 5, 2015
3. Notification of Public Hearing dated June 2, 2015
4. Manitoba Status of Titles 2606662/1 and 2606664/1

5a. Letter of authorization dated December 1, 2014 from Floyd Perras, Executive Director, Siloam Mission and Mike Beauregard, Director of Development, Siloam Mission to Steve Tait, LED Sign Nation

5b. Letter of authorization dated March 9, 2015 from Floyd Perras, Executive Director, Siloam Mission to Mike Beauregard, Director of Development, Siloam Mission

5c. Letter of authorization dated March 9, 2015 from Floyd Perras, Executive Director, Siloam Mission to Steve Tait, LED Sign Nation

6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plan, Sheet 1, for File DAV 114337/2015B dated March 11, 2015
8. Site plan
9. Report from the Urban Planning Division dated May 28, 2015
10. Inspection Report
11. Photographs (2) of subject sign, in support of the appeal, submitted by Steve Tait at the appeal hearing
12. Notice of Adjournment dated June 23, 2015

Exhibit " 9 " referred to in File DAV114337A/2015B

ADMINISTRATIVE REPORT

Title: DAV 15-114337/B – 300 Princess Public Hearing

Critical Path: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
B. Smith	M. Pittet	n/a	M. Jack COO

RECOMMENDATIONS

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department, dated April 23, 2015, be upheld.

REASON FOR THE REPORT

- The applicant seeks a digital sign to aid in soliciting donations for Siloam Mission. 300 Princess is nominated under the Historical Resources By-Law, and therefore digital signs are not permitted.
- The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is the delegated hearing body for appeals of the Public Service's decisions on variance applications in Downtown Winnipeg.

EXECUTIVE SUMMARY

- The proposed digital sign does not comply with the Downtown Winnipeg Zoning By-Law 100/2004.
- An extensive review of digital sign regulations, including a cross-jurisdictional analysis, was completed in 2011-13, culminating in new regulations adopted by City Council in 2014.

- A number of alternative sign options are available to the applicant, and the Winnipeg Public Service is prepared to collaborate with the applicant to reach a solution that complies with the regulations under Downtown Winnipeg Zoning By-Law 100/2004.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the Public Service will work with the applicant to reach a solution that complies with the regulations under Downtown Winnipeg Zoning By-Law 100/2004.

HISTORY

On May 27, 2014, Council adopted changes to the Downtown Winnipeg Zoning By-Law to ensure better alignment with the Complete Communities Direction Strategy and heritage expectations associated with the revamped heritage by-law. A restriction on digital signs on historical buildings was one of the changes adopted.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 27, 2015

Project Name:

DAV 15-114337/B – 300 Princess Public Hearing

COMMENTS:

There are no financial implications associated with the recommendations in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

- N/A

DISCUSSION

File: DAV 15-114337/B
Related Files: N/A

Community: Lord Selkirk – West Kildonan
Neighbourhood #: 3.101

Subject:
To vary the "Multiple-Use" Sector regulations of Downtown Zoning By-Law No. 100/2004 for the erection of a fascia sign to permit a digital static copy sign, said sign being prohibited on any building that is on the list of Historical Resources or is nominated under the Historical Resources By-law.

Applicant: Steve Tait LED Sign Nation
32 SOUTHWICK CLOSE
WINNIPEG MB R3R 3G4

Owners: SILOAM MISSION INC.
300 Princess Street
WINNIPEG MB R3B 1M3

Criteria for Approval
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Variance application can be approved if the proposed development:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

Site Description:
The subject property includes a four storey building and accessory parking. The site is approximately half an acre, located at the southwest corner of Princess Street and Henry Avenue in the Point Douglas Ward. The building is nominated under the Historical Resources By-Law. It is one block north of the Warehouse Sector.

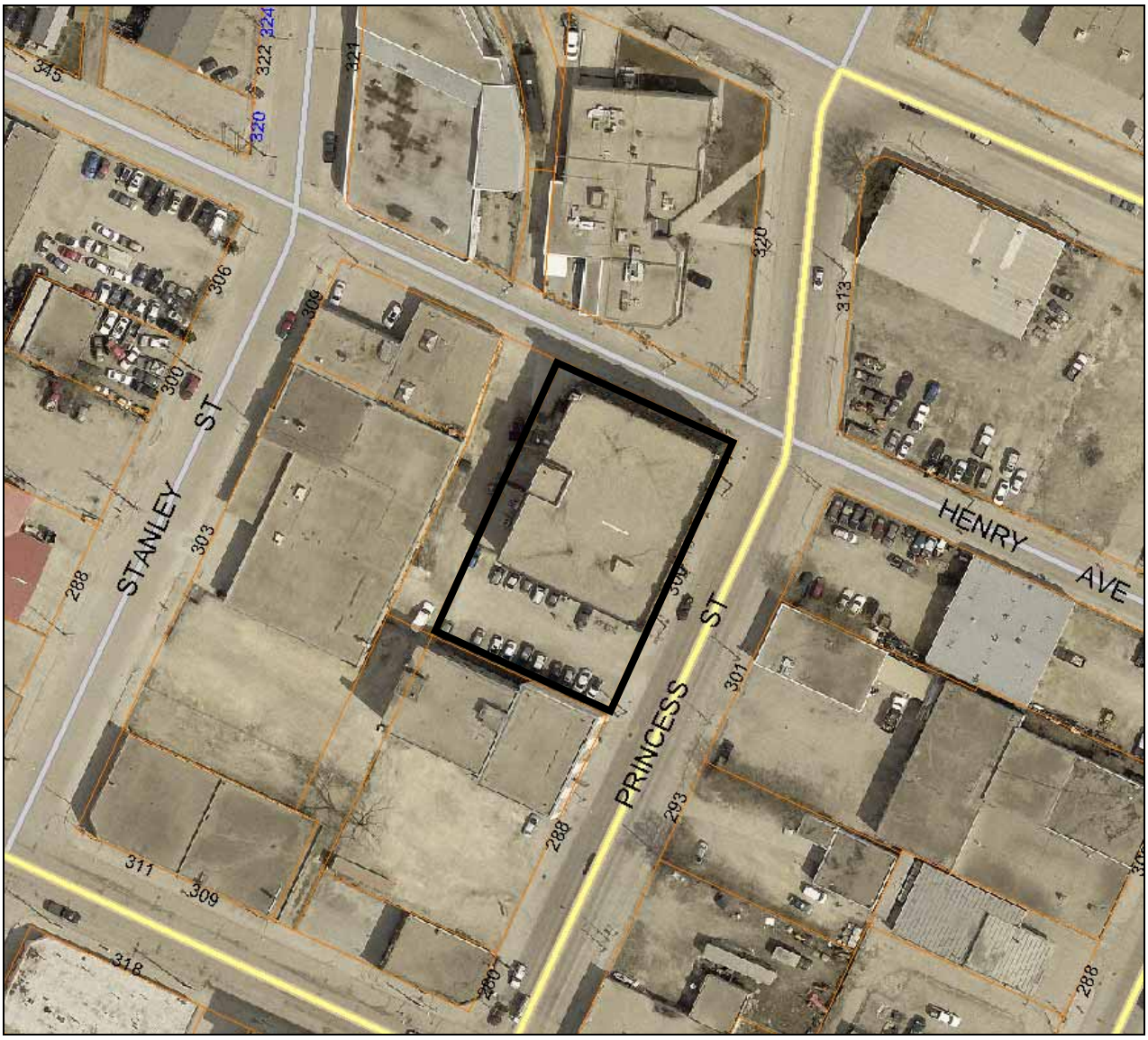


Figure 1: Air photo of the subject property and surrounding area (2014)

Project Description:
The applicant proposes to erect a digital sign on the northeast corner of their building at 300 Princess Street. The sign would be oriented north towards southbound traffic on Princess Street. Although the sign would be flush-mounted to the building, it would still encroach over the public sidewalk.

Analysis and Issues:
Recent updates to the zoning by-law were the result of extensive consultation with the sign industry, downtown residents and other downtown stakeholders. That process revealed general agreement that digital signs should not be erected on buildings that may have historical significance or are in districts that are culturally or historically designated.

The urban design direction for signs in the Downtown is that they be in keeping with the character of the building, architecturally integrated and oriented primarily to pedestrians. As expressed in the applicant's letter of intent, the proposed sign is targeted at and oriented to vehicular traffic traveling south on Princess Street. The proposal appears to put the desire for using the building for advertising its messages above the goals of respecting and celebrating architecture in the downtown.

Because the building is up to the right-of-way, this sign protrudes into the sidewalk right-of-way and would require encroachment approval.

Siloam Mission has assembled lands to the south and west for a future expansion. This presents various alternate opportunities for signage. For example, 288 Princess has a north-facing wall and is not a protected building under the Historical Resources By-Law.

Reasons for Recommendations:

The variance criteria pursuant to Section 247(3) of the City of Winnipeg Charter have not been met -

- The proposal does not advance the Complete Communities Direction Strategy with respect to its Downtown policies.
- Digital signs are not compatible with the context.
- The application does not arise from an injurious effect of the zoning by-law on the owner's site that makes it difficult or impossible to comply with the provisions of the By-law, not including conditions generally shared with other properties in the same area.

OURWINNIPEG POLICY ALIGNMENT

The *OurWinnipeg* Complete Communities Direction Strategy, Section 03-1e, Direction 2 states:

> *Pursue high quality urban design in a manner that conserves, enriches, and showcases the rich collection of heritage resources Downtown.*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	May 28, 2015
File No.	DAV 15-114337B

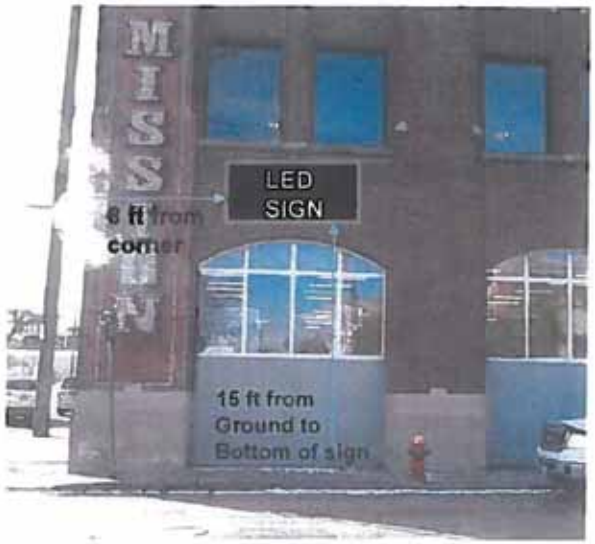
O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2015 Reports\DAV 15-114337B 300 princess sign.doc

UD2015-043

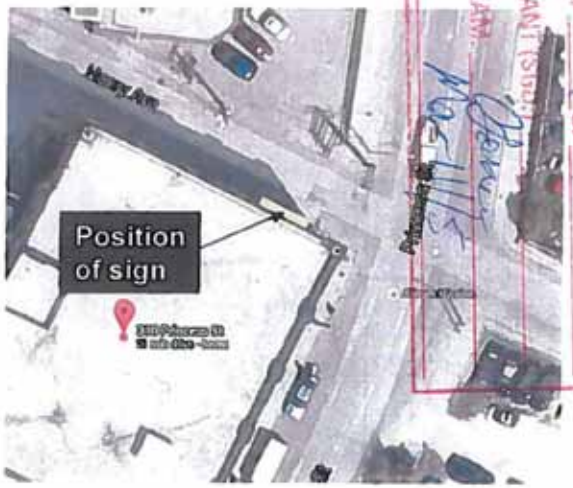
Exhibit " 7 " referred to in File DAV114337A/2015B

300 Princess Street

Siloam Mission – Site Plan



Property & sign position on Brick wall is not located in a restricted zone.



DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 15-114337/A
SHEET # 1 OF
APPLICANT (SIGN)
DEV. EXAM.
DATE

Sign Detail
3' x 6' x 7" Aluminum cabinet, 95 kg's

Installation
Sign will be flush mount on wall
Using 8 - ½" x 4" anchor bolts

Sign will display messages regarding Siloam Mission campaigns and the Siloam Mission logo.

Exhibit " 2 " referred to in File DAV114337A/2015B

Date: May 4, 2015

City Clerk, City of Winnipeg
c/o Standing Policy Committee o Downtown Development, Heritage and Riverbank Management

CITY CLERKS MPG 15MAY 05 13:34

On behalf of the Siloam Mission we appeal the rejection of Variance order No. DAV 15-114337/B, affected address 300 Princess Street, Winnipeg, Manitoba. The rejection was based on the application **did not** satisfy the provisions of Section 254 and criteria (a) to (d) of subsection 247(3) of the City of Winnipeg Charter Act. Specifically not satisfied were:

1. **There is no injurious effect on the zoning by-law on the property.**
2. **The proposed sign is not compatible with the area.**

With respect to #1 no injurious effect on the zoning by-law on the property there are numerous examples of properties that filed either a Variance or Conditional Use permit for use that have been approved. For example, the City did not allow 3rd Party Advertising LED Billboards on image routes ie. Portage Ave, Pembina Hwy, etc. There are now numerous examples of large format 3rd Party LED Advertising Billboards on image routes via the Variance/Conditional Use permit application approval process.

In addition, the rejection letter referenced that **the building is nominated under the Historical Resource By-law** meaning it is not currently subject to this by-law as it is simply nominated.

CITY CLERKS MPG 15MAY 05 13:34

With respect to #2 the proposed sign is not compatible with the area. The said location faces North oriented to South driving traffic on Princess. The sign will allow Siloam to get messages out to the public in a cost effective manner. For example, messages like "we need coffee mugs, winter coats and men's winter boots." The sign will also provide the public with information on how they can volunteer. Volunteers are essential to the success of Siloam. The sign and messaging will free up budget for alternate use.

Additionally the sign is compatible with the area when you consider the Centennial Concert Hall **(see Figure 1)** 555 Main St. has a large format LED billboard that not only advertises upcoming events for the Concert Hall but also has 3rd Party advertising. Main Street is designated as an Image Route by the City of Winnipeg.

Finally, the rejection letter says that the sign protrudes into the sidewalk right-of-way and would require an encroachment permit. A recent site visit determined that the sign would indeed protrude by approximately 3 inches into the sidewalk right-of-way. Siloam Mission has no issues with filing the encroachment permit for the 3 inch protrusion. See **Figure 2** for an 8 foot sidewalk right-of-way encroachment located 2 blocks away at 630 Main St.

Steve Tait
LEDsignNation.com
c/o Siloam Mission 300 Princess St.
Winnipeg, Manitoba

Figure 1: Centennial Concert Hall

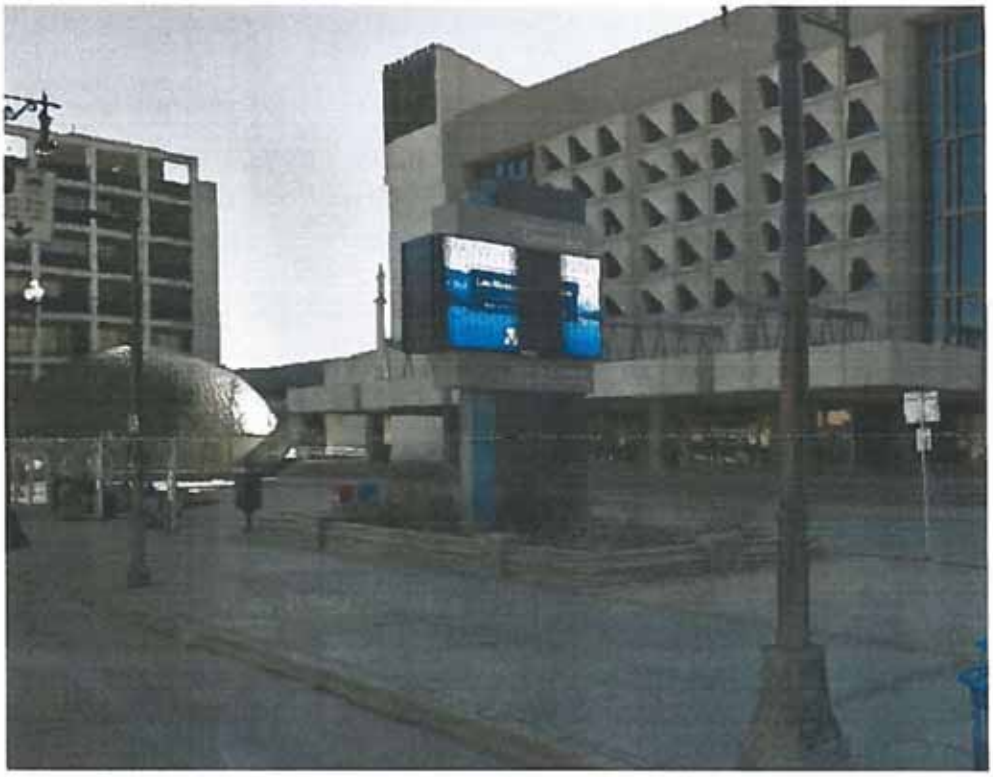


Figure 2: MB Regional Health Authority - 630 Main St. ~ 8 feet Encroachment



Exhibit " 1 " referred to in File DAV114337A/2015B

Winnipeg

Planning, Property and Development Department
Service de l'urbanisme, des biens et de l'aménagement
Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

VARIANCE ORDER

DAV 15-114337/B

APPLICANT: Steve Tait LED Sign Nation
32 SOUTHWICK CLOSE
WINNIPEG MB R3R 3G4

PREMISES AFFECTED: 300 Princess ST
LEGAL DESCRIPTION: LOT 11/12 PLAN 32092 11 & 35 ST J
hereinafter called "the land".
PROPERTY ZONED: Multiple-Use Sector
ZONING ATLAS SHEET: Y25
NATURE OF APPLICATION:

To vary the "Multiple-Use" Sector regulations of Downtown Zoning By-Law No. 100/2004 for the erection of fascia sign to permit a digital static copy sign said sign being prohibited on any building that is on the list of Historical Resources or is nominated under the Historical Resources By-law.

It is the opinion of the Director of Planning, Property and Development Department that this application does not meet the statutory criteria of the City of Winnipeg Charter in that it:

(a) is not consistent with Plan Winnipeg and any applicable secondary plan;
(b) does create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is not compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:
RE: 300 Princess ST

The Director of Planning, Property and Development Department hereby orders that the provisions of the "M" dimensional standards of Zoning By-Law No. 100/2004 and amendments thereto for the erection of a digital static copy sign said sign being prohibited on any building that is on the list of Historical Resources or is nominated under the Historical Resources By-law **is hereby REJECTED.**

DATE OF ORDER: April 23, 2015

CERTIFIED BY:

for Director Planning, Property and Development Department

HOW TO APPEAL

You must appeal against either the whole of this order or part(s) of it by filing a letter of appeal. This appeal will be heard by the Appeals Committee. That letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on May 7, 2015, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 15-114337/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the Appeals Committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Standing Policy Committee on Downtown Development, Heritage and Riverbank Management
510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452
Email: clk-appeals@winnipeg.ca