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

PUBLIC HEARINGS

Item No. 2 Appeal - Variance – 60 Osborne Street North
(Fort Rouge - East Fort Garry Ward)
File DAV 121449A/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 the following:

A. a total site sign surface area of 1308 square feet (121.52 square metres);

B. a sign height of 80 feet (24.38 metres), above grade,

subject to the following condition:

1. That the Variance shall terminate on November 1, 2015.

Further, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management cancelled Variance Order DAV 121449/2015B.

DECISION MAKING HISTORY:

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

Moved by Councillor Orlikow,

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

Carried

Moved by Councillor Orlikow

That the receipt of public representations be concluded.

Carried

Moved by Councillor Orlikow

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

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

DECISION MAKING HISTORY (continued):

Supporting Comments:

1. The United Way campaign cause is noble.

2. The Great West Life Building is large and the sign will not be too out of scale.

3. The sign will only be up for 120 days.

4. There will not be third-party advertising on the sign.

Carried

Moved by Councillor Orlikow,

That the appeal be allowed in part, the decision of the Director of Planning, Property and Development not be concurred in, and Variance Order DAV 121449/2015B be cancelled.

Carried

Moved by Councillor Orlikow,

That the public hearing with respect to this appeal be concluded.

Carried

Winnipeg

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

DAV 121449A/2015B

Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Mayes, Chairperson Councillor Browaty Councillor Orlikow
Hearing:	July 7, 2015 Council Building 510 Main Street
Applicant:	Great West Life Realty Advisors, Property Management (Robyn Rolla)
Premises Affected:	60 Osborne Street North
Legal Description:	LOTS 37/48 PLAN 265; LOT 85 ST JA; LOTS 3/13 PLAN 726; LOT 84 ST JA; PCL 1 PLAN 7829; LOT 84 ST JA; LOT 1 PLAN 33100; LOT 84/85; LOTS 37/48 PLAN 265; 85 ST JA; LOTS 3/13 PLAN 726; 84 ST JA; PCL 1 PLAN 7829; LOT 84 ST JA; LOT 1 PLAN 33100; LOT 84/85 ST JA; LOTS 3/14, LOTS 16/20, PT PCL A PLAN 14788; LOT 84/5 ST JA & 1 ST J LYING W OF STR PROD NLY OF E LIMIT COLONY ST; PCL B, PCLS A/C PLAN 17715; LOT 85 ST JA & 1 ST J, hereinafter called "the land"
Property Zoned:	"C R2 RMF-M" – Commercial Residential Two Family Residential Multi-Family – Medium

Nature of Application: To vary the "Character" Sector regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 for the erection of fascia sign to permit the following:

A. a total site sign surface area of 1308 square feet (121.52 square metres) instead of 1229.4 square feet (114.2 square metres) and;

B. a sign height of 80 feet (24.38 metres), above grade, instead of 25 feet (7.62 metres).

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

The Director of Planning Property and Development rejected a Variance, File DAV 121449/2015B, to Great West Life Realty Advisors, Property Management (Robyn Rolla), for premises located at 60 Osborne Street North, for the erection of fascia sign to permit the following:

A. a total site sign surface area of 1308 square feet (121.52 square metres) instead of 1229.4 square feet (114.2 square metres) and;

B. a sign height of 80 feet (24.38 metres), above grade, instead of 25 feet (7.62 metres).:

Pursuant to the provisions of The City of Winnipeg Charter, Great West Life Realty Advisors, Property Management (Robyn Rolla) appealed the Variance Order DAV 121449/2015B and after Notice, the appeal was heard on July 7, 2015.

Upon consideration of the evidence adduced and submissions made, the Appeal Committee 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. The United Way campaign cause is noble.

2. The Great West Life Building is large and the sign will not be too out of scale.

3. The sign will only be up for 120 days.

4. There will not be third-party advertising on the sign.

ORDER:

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

1. That the appeal is allowed in part and the provisions of the "Character" Sector regulations of Downtown Winnipeg Zoning By-Law No. 100/2004 are varied on “the land” for the erection of fascia sign to permit the following:

   A. a total site sign surface area of 1308 square feet (121.52 square metres);

   B. a sign height of 80 feet (24.38 metres), above grade,

subject to the following condition(s) necessary to ensure conformity with the statutory criteria of The City of Winnipeg Charter:

1. That the Variance shall terminate on November 1, 2015.

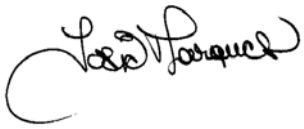
That Variance Order DAV 121449/2015B dated June 17, 2015, is cancelled.

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:

Robyn Rolla
Jeff Kitchen
Stefan Kristjanson
Connie Walker
Erica Glasier

In Opposition to the Appeal:

Susan Algie
Ryan Krahn

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 DAV 121449A/2015B

1. Order DAV 121449/2015B dated June 17, 2015
2. Notice of Appeal filed by Robyn Rolla, Great West Life Realty Advisors, Property Management received June 18, 2015
3. Notification of Public Hearing dated June 22, 2015
4. Manitoba Status of Title and Title Search 1763472/1
5. Letter of authorization dated April 7, 2015 from Don Lecuyer, Great West Life AVP Corporate Properties to Pete Babiuk, Red River Signs
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheets 1 and 3 inclusive, for File DAV 121449/2015B dated April 23, 2015
8. Area zoning map
9. Report from the Urban Planning Division dated June 24, 2015
10. Inspection Report
11. Communication dated June 23, 2015 from Susan Algie in opposition to the appeal
12. Photographs (2) submitted by the appellant at the hearing, in support of the appeal

Exhibit " 9 " referred to in File DAV 121449A/2015B

ADMINISTRATIVE REPORT

Title: DAV 15-121449/B – 60 Osborne N 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 June 17, 2015, be upheld.

REASON FOR THE REPORT

- The applicant seeks to install a vinyl banner fascia sign that would be 80 feet high and 1308 square feet instead of the maximum permitted under the zoning by-law of 25 feet high and 1229 square feet.
- 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 banner sign does not comply with the Downtown Winnipeg Zoning By-Law 100/2004.
- It is the view of the Winnipeg Public Service that the proposed variance does not meet criteria (a) to (d) of Subsection 247(3) of the Winnipeg Charter.
- The Winnipeg Public Service has expressed a desire to collaborate with the applicant to achieve a more modest sign proposal that still suits their needs.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the applicant will need to select a sign format that complies with Downtown Winnipeg Zoning By-Law 100/2004.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 24, 2015

Project Name:

DAV 15-121449/B – 60 Osborne N Public Hearing

COMMENTS:

There are no financial implications associated with the recommendations contained 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 15-121449/B
Related Files: N/A

Community: City Centre
Neighbourhood #: 1.166

Subject:
To vary the "Character" Sector regulations of Downtown Zoning By-Law No. 100/2004 for the erection of fascia sign to permit the following:

a) a total site sign surface area of 1308 square feet (121.52 square metres) instead of 1229.4 square feet (114.2 square metres) and;

b) a sign height of 80 feet (24.38 metres), above grade, instead of 25 feet (7.62 metres).

Applicant: Robyn Rolla Great West Life Realty Advisors
60 OSBORNE ST N
WINNIPEG MB R3C 1V3

Owners: Great West Life
60 OSBORNE ST N
WINNIPEG MB R3C 1V3

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 is the campus-style headquarters for Great West Life. The site is approximately 16 acres, located at the southwest corner of Broadway and Osborne Street in the Fort Rouge – East Fort Garry Ward. It falls within the Legislature Character Sector under the zoning by-law. The property is neither listed nor nominated under the Historical Buildings and Resources By-Law.



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

Project Description:
The applicant seeks to install a vinyl banner fascia sign on the north elevation of the southern building oriented to southbound traffic heading out of downtown. The top half of the banner references the United Way campaign, while the bottom of half of the banner is promotion for Great West Life.

Analysis and Issues:

Size

The zoning by-law regulates the surface area of signage by proportion to street frontage. Because the property has a significant length of frontage along Broadway and because the northern building at 100 Osborne has no north facing signs, there is a significant sum of available sign area allocation that can be used for the proposed sign on the southern building at 60 Osborne. As such, the sign surface area – 1308 square feet instead of 1229 square feet is not the focus of this report.

Height

Sign regulations for the Downtown under By-Law 100/2004 intend for signage to be oriented and designed primarily to be seen by pedestrians, at a pedestrian scale. Billboard-type signs, placed at great heights, oriented to passing motor vehicles, are discouraged in the Downtown. The regulations are also intended to provide a *fair and level playing field* so that all street-front businesses achieve equal visibility. By avoiding an arms race of ever larger and larger signs competing for attention, we create a more attractive, user-friendly Downtown that is not defined by sign clutter.

Format

In 2013, after extensive consultation with the sign industry, downtown residents and other downtown stakeholders, the Winnipeg Public Service prepared recommendations to Standing Policy Committee on Downtown Development, Heritage and Riverbank Management on sign regulations, including vinyl banners. Vinyl banners are typically used for special events or to promote a new business because they are inexpensive to produce and install. However, they tend to not to be of a lasting quality and often are applied to buildings without consideration for the architecture on which they are applied. The report recommended that these types of banners be approved for 120 days only, after which time they must be removed.

Urban Design

Downtown Urban Design Review is aimed at ensuring that building signage is of a permanent durable material, integrated into the building in a way that respects and enhances the character of the architecture. Where signage is applied and oriented strictly to maximize visibility, it treats buildings as billboards, and detracts from character of the area. The Legislative precinct is characterized by a subdued architectural palette, and deference to the Legislative Building and the monuments and cenotaphs that surrounds it. A brightly coloured oversized sign commanding attention is not compatible with the area.

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 on urban design.
- 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.
- It is possible to install new anchors into the mortar joints of the masonry to accommodate a smaller sign without causing any damage to the masonry.
- 80 feet instead of 25 feet in height is not a *minimum modification* of the zoning by-law. Reducing the sign to *just the United Way message* would allow the sign to be less than half the size.
- An oversized colour banner does not respect the solemn, subdued quality of Memorial Park, the Legislative Grounds and the monuments and cenotaphs therein.

OURWINNIPEG POLICY ALIGNMENT

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

> *Promote exemplary urban design Downtown with the intent of producing high quality public places (districts, destinations and clusters) that... have their own unique identity and a clear understandable image.*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	June 24, 2015
File No.	DAV 15-121449/B

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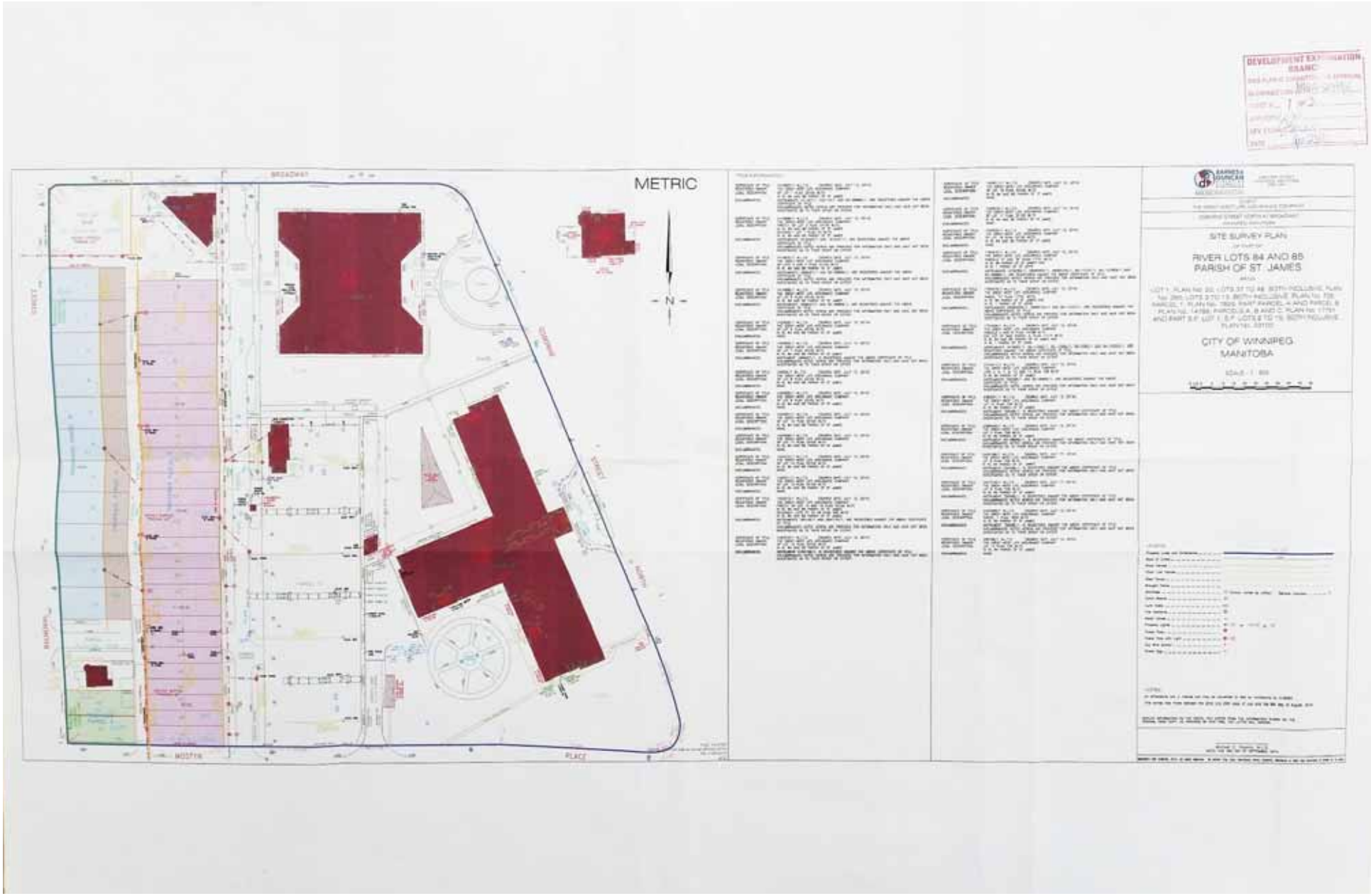
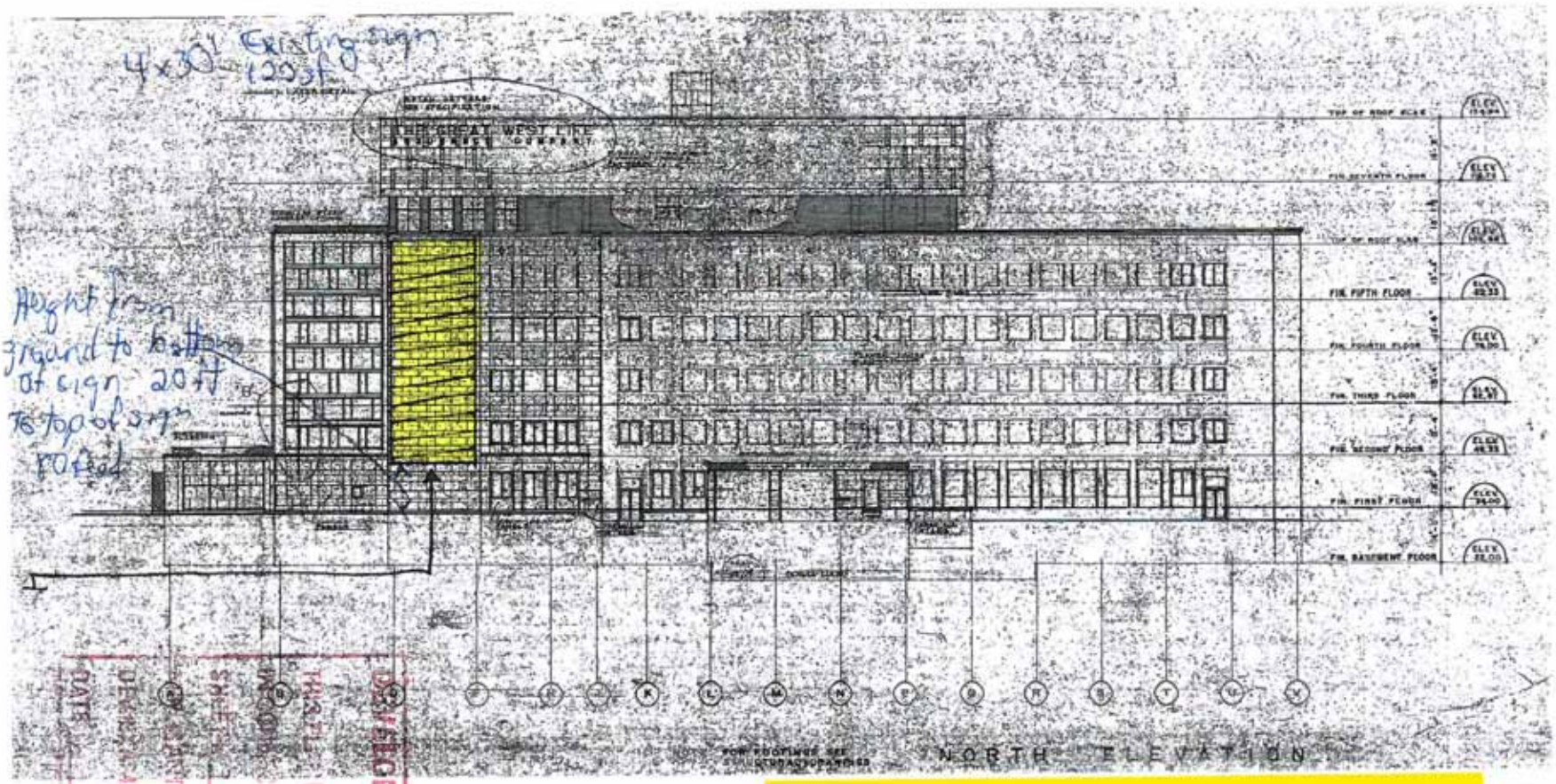
UD2015-059

Exhibit " 7 " referred to in File DAV 121449A/2015B



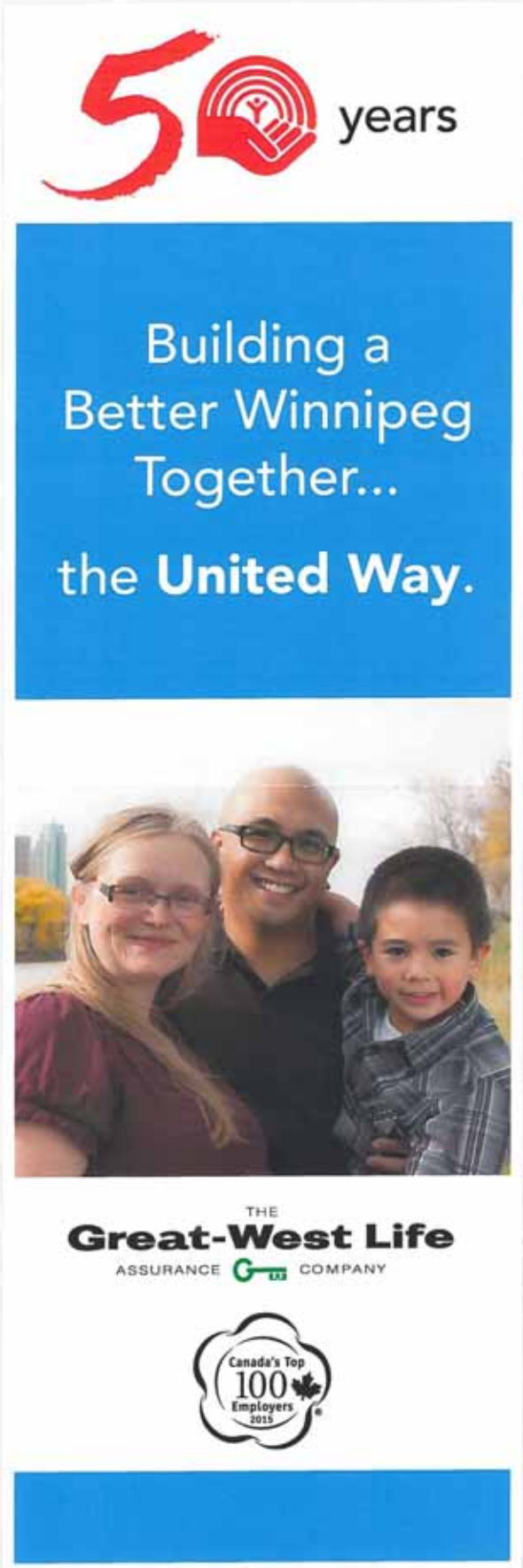


DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN ACCORDANCE WITH MV 15-12149/B
SHEET 2 OF 3
DEVELOPMENT (SCD)
DATE 4/23/15

19.8' x 60' = 1189.8 sf.

Banner: 238" x 720"

Mounting anchors:
- 1/2" diameter
- Bolt thread
- Banner will use existing anchors
- Install will be w/ tapcon in existing


50 years
Building a Better Winnipeg Together...
the United Way.
THE
Great-West Life
ASSURANCE COMPANY
Canada's Top 100 Employers 2015


DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH
SHEET # 3 OF 3
APPLICANT (SGD.)
DEV. EXAM.
DATE

Exhibit " 2 " referred to in File DAV 121449A/2015B

GWL REALTY ADVISORS

June 18, 2015

Via Email: jmarques@winnipeg.ca

City Clerk, City of Winnipeg
c/o Standing Policy Committee on Downtown Development
Heritage and Riverbank Management
510 Main Street
Winnipeg, MB R3B 1B9

Re: Variance Order NO. DAV 15-121449/B

This letter shall stand as Great West Life's formal appeal of the decision made to reject the above noted Variance Order No. DAV 15-121449/B. Our appeal is for the whole order as briefly described below:

1. 50th anniversary of the United Way in the City of Winnipeg. As one of five founding sponsors, Great-West Life is pleased to support of this significant milestone including a sponsorship towards the 50th anniversary celebrations.

2. The variance had been submitted requesting a 20' by 60' banner. We requested this size after being advised that the 60 Osborne head office is now on the City's commemorative heritage list. Due to care and consideration of the exterior of the building we would use existing anchors to mount the sign (as was done for the Winnipeg's Spirited Energy banner). This will reduce any future unnecessary deterioration of the limestone cladding on the building.

3. The banner is a one-time use and will be removed by October 2015.

Great West Life Representatives will be in attendance at the July 7, 2015 appeal hearing scheduled for 1:00 pm.

Should you have any questions or concerns please do not hesitate to contact me directly at

Yours truly,
GWL REALTY ADVISORS
Per:

Robyn Rolla
Property Manager

Enclosure

Exhibit " 1 " referred to in File DAV 121449A/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 15-121449/B

APPLICANT: Robyn Rolla Great West Life Realty Advisors (Property Management)
60 OSBORNE ST N
WINNIPEG MB R3C 1V3

PREMISES AFFECTED: 60 Osborne ST N
LEGAL DESCRIPTION: LOTS 37/48 PLAN 265; LOT 85 ST JA; LOTS 3/13 PLAN 726; LOT 84 ST JA; PCL 1 PLAN 7829; LOT 84 ST JA; LOT 1 PLAN 33100; LOT 84/85; LOTS 37/48 PLAN 265; 85 ST JA; LOTS 3/13 PLAN 726; 84 ST JA; PCL 1 PLAN 7829; LOT 84 ST JA; LOT 1 PLAN 33100; LOT 84/85 ST JA; LOTS 3/14, LOTS 16/20, PT PCL A PLAN 14788; LOT 84/5 ST JA & 1 ST J LYING W OF STR PROD NLY OF E LIMIT COLONY ST; PCL B, PCLS A/C PLAN 17715; LOT 85 ST JA & 1 ST J

PROPERTY ZONED: C R2 RMF-M
ZONING ATLAS SHEET: AA24
NATURE OF APPLICATION:

To vary the "Character" Sector regulations of Downtown Zoning By-Law No. 100/2004 for the erection of fascia sign to permit the following:
a) a total site sign surface area of 1308 square feet (121.52 square metres) instead of 1229.4 square feet (114.2 square metres) and;
b) a sign height of 80 feet (24.38 metres), above grade, instead of 25 feet (7.62 metres).

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: 60 Osborne ST N

The Director of Planning, Property and Development Department hereby orders that the provisions of the "Character" Sector regulations of Zoning By-Law No. 100/2004 and amendments thereto for the erection of fascia sign having a sign surface area of 1308 square feet (121.52 square metres) and sign height of 80 feet (24.38 metres) above grade **is hereby REJECTED.**

DATE OF ORDER: June 17, 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 July 2, 2015, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 15-121449/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