Minute No. 519
Report – Executive Policy Committee – September 14, 2016

Item No. 6 Subdivision and Rezoning – 186 Furby Street
(Fort Rouge – East Fort Garry Ward)
File DASZ 32/2016 [c/r DCU 128353/2016D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 32/2016 dated September 30, 2016 to a "C2" Commercial Community 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 only the following uses shall be allowed as permitted:
            a. Uses permitted in the "R2" – Residential Two-Family district

        ii. That only the following uses shall be allowed as conditional:
            a. Uses conditional in the "R2" – Residential Two-Family district
            b. Parking, surface

2. That the plan of subdivision proposed under File DASZ 32/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/2016 dated September 30, 2016, amended as per Recommendation 3, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

3. The Developer shall, at no expense to the City, legally open property required for a lane widening to the Public Lane right-of-way abutting the west limit of the Planned Area in accordance with Schedule "B" for File No. PR 16-12, dated July 21, 2016, to the satisfaction of the Director of Public Works.

4. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

Report – Executive Policy Committee – September 14, 2016

COUNCIL DECISION (continued):

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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 14, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2016, 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: **Subdivision and Rezoning – 186 Furby Street**
File DASZ 32/2016

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
City Centre Community Committee

Report date: **September 7, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2016, 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 planned area as shown on Schedule "A" for File DASZ 32/2016 dated September 30, 2016 to a "C2" Commercial Community 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 only the following uses shall be allowed as permitted:
            a. Uses permitted in the "R2" – Residential Two-Family district

        ii. That only the following uses shall be allowed as conditional:
            a. Uses conditional in the "R2" – Residential Two-Family district
            b. Parking, surface

2. That the plan of subdivision proposed under File DASZ 32/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/2016 dated September 30, 2016, amended as per Recommendation 3, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

3. The Developer shall, at no expense to the City, legally open property required for a lane widening to the Public Lane right-of-way abutting the west limit of the Planned Area in accordance with Schedule "B" for File No. PR 16-12, dated July 21, 2016, to the satisfaction of the Director of Public Works.

4. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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 reasons for its recommendation:

1. There is support for this project in the community.

2. It is an important community amenity, and is a reuse of existing space.

PUBLIC HEARING SUMMARY

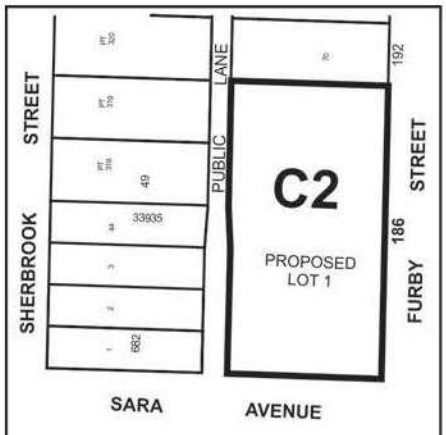
File: DASZ 32/2016

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

Public Hearing: September 6, 2016
Council Building, 510 Main Street

Applicant: Klinic Inc. (Nicole Chammartin)

Subject:



APPLICANT : KLINIC INC.
FILE : DASZ 32/16
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the consolidation of lots to permit the maintenance of an existing non-accessory parking lot use. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 186 Furby Street

Exhibits Filed:

1. Application dated June 14, 2016
2. Notification of Public Hearing dated June 27, 2016
3. Manitoba Status of Titles 2289835/1, 2289836/1, 2289839/1, 2289802/1, 2289803/1 and 2289804/1
4. Letter of authorization dated May 4, 2016 from David Reid, 5025834 Manitoba Ltd. to Klinic Inc.
5. Surveyor's Building Location Certificate and sketch dated June 27, 1986
6. Map of subject property
7. Plan (1 page)
8. Report from the Urban Planning Division dated August 29, 2016
9. Inspection Report
10. Revised Report from the Urban Planning Division dated September 6, 2016

REPRESENTATIONS:

In Support:

Zorya Arrow
Samantha Blatz
Nicole Chammartin, Klinic Inc.
Todd Donohue
Greg MacPherson

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

Exhibit " 10 " referred to in File DASZ 32/2016

ADMINISTRATIVE REPORT

REVISED

Title: DASZ 32/2016 – 186 Furby Street

Issue: For consideration at the public hearing for a Subdivision and Rezoning for DASZ 32/2016 – 186 Furby Street

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Andrew Ross	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 32/2016 dated September 30, 2016 to a "C2" Commercial Community District, subject to the following:
    i) 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:
        a. That only the following uses shall be allowed as permitted:
            i. Uses permitted in the "R2" – Residential Two-Family district
        b. That only the following uses shall be allowed as conditional:
            i. Uses conditional in the "R2" – Residential Two-Family district
            ii. Parking, surface
2. That the plan of subdivision proposed under File DASZ 32/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/2016 dated September 30, 2016, amended as per Recommendation 3, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

3. The Developer shall, at no expense to the City, legally open property required for a lane widening to the Public Lane right-of-way abutting the west limit of the Planned Area in accordance with Schedule “B” for File No. PR 16-12, dated July 21, 2016, to the satisfaction of the Director of Public Works.

4. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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 applicant is proposing to rezone and subdivide the site from an “R2” Residential Two Family District to a “C2” Commercial Community District in order to permit the maintenance of a non-accessory parking, surface use.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 can be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

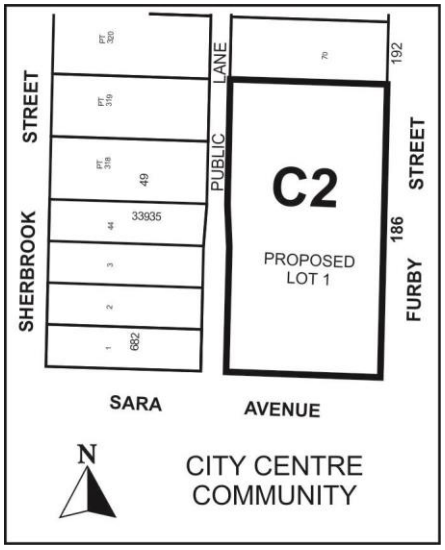
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	September 6, 2016
File No.	DASZ 32/2016

APPENDIX 'A'

DATE: September 6, 2016
FILE: DASZ 32/2016
RELATED FILES: DCU 16-128353/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.103

SUBJECT: To rezone and subdivide the subject land from an "R2" Residential Two Family District to a "C2" Commercial Community District.

LOCATION: 186 Furby ST
LEGAL DESCRIPTION: EXC ELY 8F LOT 318 PLAN 49; LOT 1/3,6/8 PLAN 682 LOT 44,67/69 PLAN 33935 79 ST JA 23 ST V



APPLICANT: Nicole Chammartin
870 Portage AVE
Winnipeg , Manitoba R3G 0P1

OWNER: 246 HARVARD AVE
Winnipeg , Manitoba R3M 0K7

RECOMMENDATION: Approval

CRITERIA FOR APPROVAL
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved for posters 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; and

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

The subject property is located on Furby Street, in the West Broadway neighbourhood of the Fort Rouge - East Fort Garry ward.

The site is a Mature Communities policy area under the Complete Communities Direction Strategy. The property is zoned R2.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING

North: Multi-family dwelling uses (Zoned "R2" – Residential Two-Family)

South: Multi-family dwelling uses (Zoned "R2" – Residential Two-Family)

East: Single-family, Two-family and Multi-family dwelling uses (Zoned "R2" – Residential Two-Family)

West: Office uses (Zoned "C2" – Commercial Community)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to maintain a surface parking lot as a principal use on the subject site.

- In order to maintain the surface lot, the applicant seeks to rezone the property from the current "R2 district to the "C2" district as per associated File No. DASZ 32/16; and to consolidate the underlying lots.

- A principal surface parking lot is a conditional use in the "C2" Zoning District, meaning it needs to be reviewed by Urban Planning Division for suitability within the context.

- The surface lot has been in place on the property for approximately 25 years, but it is not legally established.

- The applicant seeks to legally establish the lot in order to provide necessary parking for their social service use that will be moving to the building immediately west of the lot (167 Sherbrook).

- The applicant intends to meet all zoning requirements including landscaping and fencing.

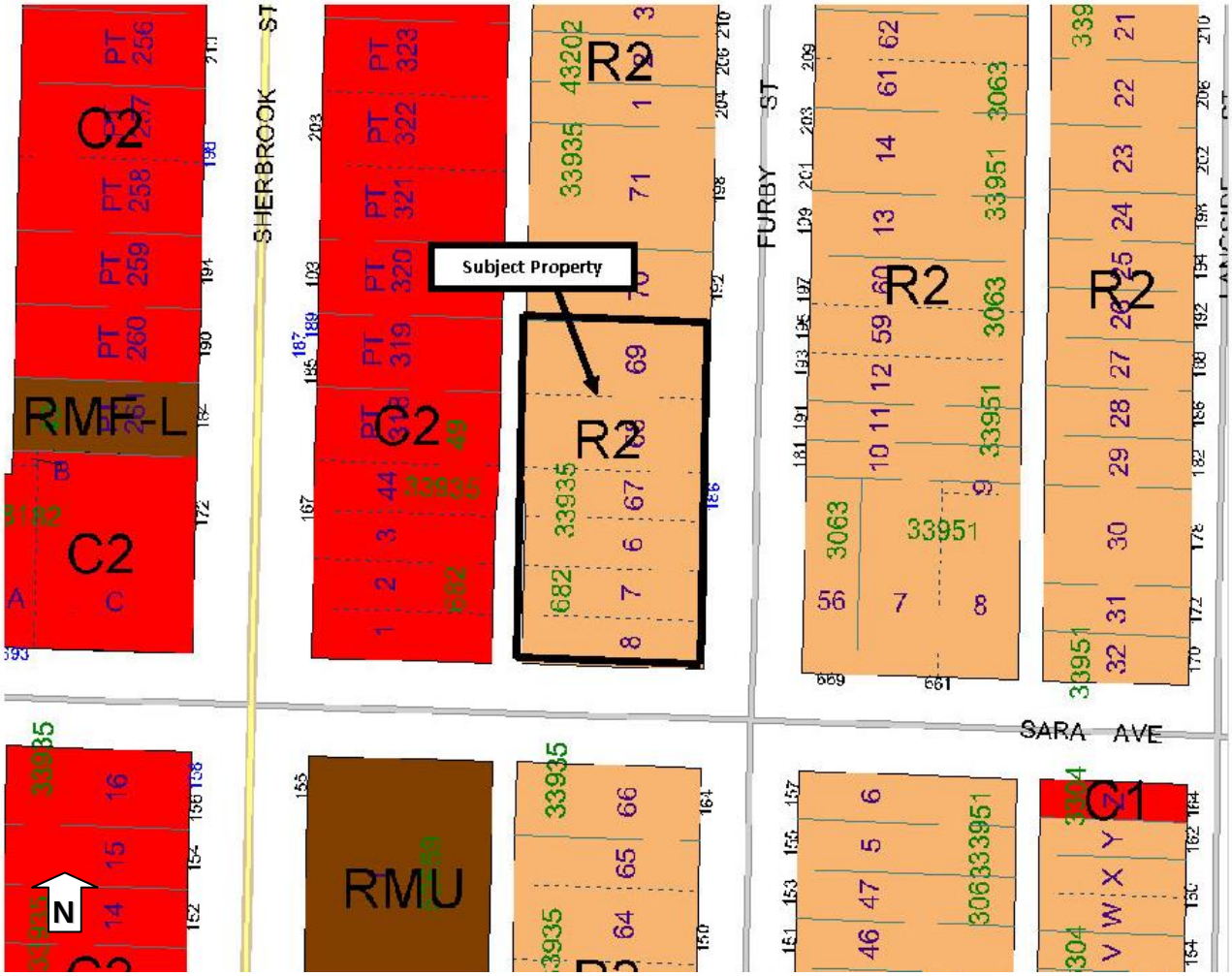


Figure 2: Zoning context

REASON FOR APPLICATION

- Surface parking lots are not allowed as a principal use in the "R2" district. In order to maintain the surface lot, the applicant needs to rezone the property from the current "R2 district to the "C2" district.

- A surface parking lot as a principal use also requires a conditional use in the "C2" Zoning District (see Associated file No. DCU 16-128353\D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key relevant policies guiding development within Areas of Stability include:

- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Encourage intensification to occur at centres and along corridors.
- Support a mix of commercial services and employment uses that serve the local community.

The proposal meets the intent of the above policies of *Complete Communities* in the following ways:

1) By upgrading the pre-existing parking lot with the addition of landscaping and fencing, the lot will be more sensitive to the community context.
2) The lot plays an essential support role for the relocation of a social service facility (Klinic Community Health Centre) to the immediately west adjacent property at 167 Sherbrook Street. The adaptive re-use of the building at 167 Sherbrook and the addition of staff and clients to the area will increase the 'critical mass' of patrons of local shops and services on Sherbrook – which aligns with the intent of the above policies.

NEIGHBOURHOOD COMPATIBILITY

The Urban Planning Division does not typically favour rezonings for the building or maintaining of surface parking lots in walkable urban neighbourhoods. Rather, the Division generally seeks to support alternative parking arrangements that hide parked cars from view of public streets and sidewalks.

This situation, however, has some unique considerations. The subject parking lot has been in existence on the site for at least 25 years and has become a recognized part of the neighbourhood. Although redevelopment to a higher and better use is ultimately what the Urban Planning Division would like to see, that goal needs to be balanced against the benefit of allowing a well-established social service agency with benefits to the community to locate on the premises.

Other favourable considerations related to this application include:

- The perimeter of the lot, which has been barren for decades, will be landscaped with trees and shrubs.
- The lot will be improved with paving and wrought iron ornamental fencing on the west, south and east sides.
- The north side, adjacent to the residential dwellings, will have a 6' high wood fence to protect the dwellings from headlight penetration from parked vehicles.
- There are no added vehicular approaches, so the sidewalks will remain uninterrupted for pedestrian traffic and walkability.

OTHER ISSUES

Expiry
Given the fact that the Urban Planning Division does not like to support enduring surface parking lots, especially in areas such as the Sherbrook area which is experiencing increased development interest and pressure, the Division recommends a 10-year expiry, as a condition of the associated conditional use (File No. DCU 16-128353\D). If the lot is still required at the time of expiry, the property owner would need to come back and re-apply at that time and the application would be considered in light of the contemporary situation in the neighbourhood.

SUMMARY

The Urban Planning Division supports the rezoning and subdivision for the following key reasons:

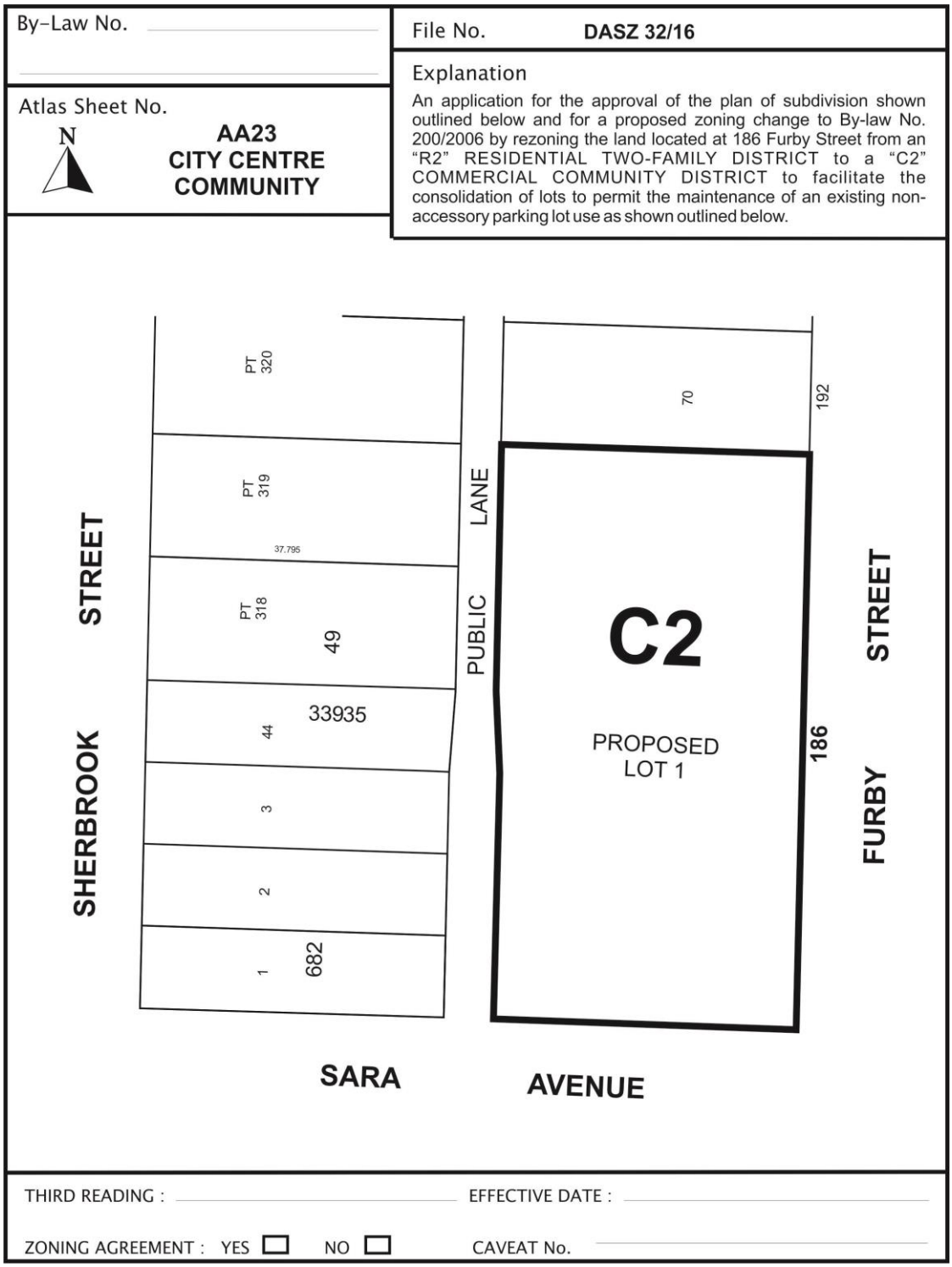
- The subject lot has been in existence on the site for at least 25 years and has become a recognized part of the neighbourhood.
- The proposal will support a well-established, social service agency with benefits to the community to locate on the premises.
- The perimeter of the lot, which has been barren for decades, will be landscaped with trees and shrubs.
- The lot will be improved with paving and wrought iron ornamental fencing on the west, south and east sides.
- There are no added vehicular approaches, so the sidewalks will remain uninterrupted for pedestrian traffic.

RECOMMENDATIONS
The Urban Planning Division recommends that the application be approved and that the subject property be rezoned to a “C2” – Commercial Community District.

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

Report Prepared by: Andrew Ross, MCP, MCIP
PPD File # DASZ 32/2016/D - 186 Furby St.

Schedule “A” for File No. DASZ 32/2016, City Centre Community Committee, September 30, 2016



Schedule “B” for File No. PR 16-12, City Centre Community Committee, July 21, 2016

