**Agenda - Council - March 23, 2005**

**Report - Standing Policy Committee on Property and Development - March 7, 2005**

**Item No. 14 Rezoning - 200 rue Masson**
**File DAZ 203/2005**

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 203/2005 dated February 15, 2005, to an "RM-6" Multiple Family Residential District and a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. This rezoning shall include only the following use within the "C1.5" Commercial District:

        i. Parking area, non-accessory

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 by-law in accordance with the above.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

**Report - Standing Policy Committee on Property and Development - March 7, 2005**

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.

**Report - Standing Policy Committee on Property and Development - March 7, 2005**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE:** **Subdivision and Rezoning - 200 Masson Street**
**File DAZ 203/2005 [c/r DAV 101831/2005D, DCU 101822/2005D]]**

**For submission to:** **The Standing Policy Committee on Property and Development**

**Prepared by:** **Marc A. Pittet, Clerk,**
**Riel Community Committee**

**Report date:** **February 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 203/2005 dated February 15, 2005, to an "RM-6" Multiple Family Residential District and a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

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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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated February 15, 2005.

## PUBLIC HEARING SUMMARY

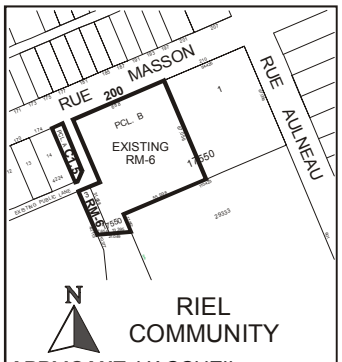
File: DAZ 203/2005 [c/r DAV 101831/2005D, DCU 101822/2005D]

Before: Riel Community Committee
Councillor Magnifico, Chairperson
Councillor Angus
Councillor Steeves

Public Hearing: February 22, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicant: L'Accueil Colombien Inc. (Guy Mao)

Subject:




**APPLICANT:** L'ACCUEIL COLOMBIEN INC.
**FILE:** DAZ 203/05
**PROPOSAL:** To rezone the land shown outlined above from an "R1-5" RESIDENTIAL DISTRICT and an "RM-6" MULTIPLE-FAMILY DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**
**DEMANDEUR :** ACCUEIL COLOMBIEN INC.
**N° DE RÉFÉRENCE :** DAZ 203/05
**PROJET :** Rezoner les sols délinéés ci-dessus afin de les faire passer des catégories R1-5 (SECTEUR RÉSIDENTIEL) et RM-6 (SECTEUR D'HABITATIONS MULTIFAMILIALES) aux catégories RM-6 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et C1.5 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. Robinson, urbaniste, au 986-3213.**

Premises Affected: 200 Masson Street

Exhibits Filed:

1. Application dated January 19, 2005
2. Notification of Public Hearing dated January 25, 2005
3. Manitoba Status of Titles 1770327, 1770335
4. Letter of authorization dated December 13, 2004 from L'Accueil Colombien Inc. to Guy Mao
5. Drawing of subject property/sign
6. Plans (7 pages)
7. Report from the Manager of Planning and Land Use dated February 15, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Guy Mao

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Guy Mao, the applicant, appeared in support of the application and requested that the requirement for the ten percent (10%) dedication, to 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, be waived in this instance.

Exhibit "7" referred to in File DAZ 203/2005 [c/r DAV 101831/2005D, DCU 101822/2005D]

## Planning, Property and Development Department Report

**To the Riel Community Committee**

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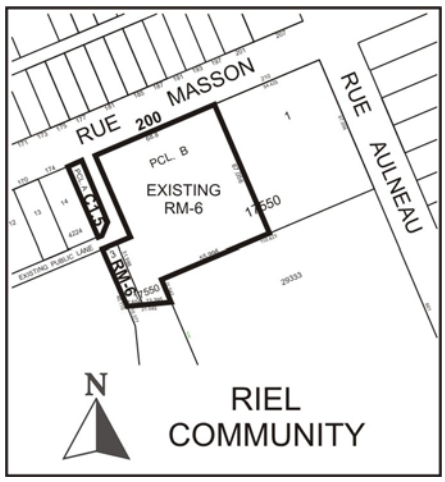
**Date:** **February 15, 2005**
**File:** **DAZ 203/05**
**Related Files:** **DAV 05-101831/D, DCU 05101822/D**
**Subject:**

1) **Application to rezone a former public lane from "R1-5"/"RM-6" Residential to "C1.5" Commercial for a proposed non-accessory parking area for the multiple family dwelling at 200 Masson.**
2) **Application to rezone land from "R1-5" Residential to "RM-6" Multiple Family Residential for accessory parking for the multiple family dwelling at 200 Masson**

**Location:** **200 Masson Street**




**Applicant:** **L'Accueil Colombien Inc. (Guy Mao)**
2172

**Owner:** **L'Accueil Colombien Inc.**
**City of Winnipeg**

**Recommendation:** **To approve**

**Site Description**

The subject property, which is the site of the L'Accueil Colombien Seniors Residence, is located in the St. Boniface neighbourhood. The neighbourhood includes a mix of single family homes, multiple family residences, and institutional uses.

North: Single-family residences zoned "R2-T" Residential
South: A multi-family dwelling belonging to Les Missionnaires Oblates De St. Boniface zoned "R1-5" Residential
East: A multi-family dwelling zoned "R1-5" Residential
West: Single-family residences zoned "R1-5" Residential

**Background**

In 1983, the applicant received variances to permit 25 parking spaces instead of the required 176 parking spaces as part of a rezoning to permit the establishment of the L'Accueil Colombien Seniors Residence.

Currently, the applicant has indicated that they are experiencing a parking shortage and are proposing the subject rezonings and land transfer with the City in order to accommodate additional parking for their tenants and visitors.

**Description of the Proposed Development**

*Land transfer and rezoning*
The applicant has indicated that they are currently experiencing a parking shortage. To address this shortage, the applicant has proposed a land transfer with the City, whereby the current public lane west of the applicant's property would become non-accessory parking for the applicant and a identical strip of land, currently part of the applicant's property, would be transferred to the City for use as a public lane.

The land transfer and rezoning would result in the creation of eleven (11) new parking spaces.

In By-Law 6400/94, non-accessory parking for the multiple-family building is only permitted in commercial zoning districts. Thus, the applicant requires a rezoning in order to permit the establishment of parking on the newly created parcel (Parcel A).

*Land purchase and rezoning*
Additionally, the applicant intends to purchase Lot 3 from the City and to use this strip of land as parking for ten (10) additional vehicles. The By-Law requires that in order to be used as

accessory parking for the Seniors residence, it must be rezoned to RM-6 Residential, to match the zoning of the principle lot.

**Analysis**

*Land Transfer and rezoning*

It is the opinion of the Planning and Land Use Division that the proposed project will have a negligible impact on the surrounding neighbourhood. Access for the residences along the south side of Rue Masson and the Archbishops property will shift to the east but otherwise, access will not be impacted. The applicant has indicated that they would speak with all the neighbors who live on the lane prior to the public hearing. Additionally, they have indicated that they have full support from the neighbor at 174 Masson, who will be most impacted by this proposal.

Likewise, the Real Estate Division has indicated that this arrangement is acceptable and preferable to closing the public lane and maintaining a cross access easement with the landowner.

**Plan Winnipeg**
The proposed rezoning is in compliance with Plan Winnipeg 2020.

Site Plan
The applicant has provided a plan which enhances the public lane and provides clear delineation between the parking areas and drive aisles. Curbed islands will be installed at the turn with planting beds, the details of which are forthcoming. In addition, small planting beds with trees will be planted abutting the sidewalk and parking areas.

**Utilities**
The public utilities have been contacted and have approved the exchange. Both Manitoba Hydro and City of Winnipeg Water & Waste will require easements, which will be drawn up once a final closing plan has been completed.

**Rezoning**
As mentioned above, in By-Law 6400/94, non-accessory parking for the multiple-family building is only permitted in commercial zoning districts. Thus, the applicant requires a rezoning to C1.5 in order to permit the establishment of parking on the newly created parcel (Parcel A). Typically, the Planning and Land Use Division does not support mid-block rezonings from a residential district to a commercial district. In this case, the Division feels that the proposed rezoning is acceptable, provided that there is a zoning agreement which limits use of the commercial parcel to non-accessory parking. A zoning agreement, which will restrict the use of the land for the intended use only, will protect adjacent landowners from non compatible uses, which would otherwise be permitted in a commercial zoning district.

*Land purchase and rezoning*
The applicant has been using the subject parcel as accessory parking for some time. The proposed land purchase and rezoning will bring this land into compliance with Zoning By-Law 6400/94. For this reason, the Planning and Land Use Division recommends approval of the proposed rezoning.

**Recommendation**

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

- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- Access to the public lane will not be impacted;
- The subject establishment has a parking shortage and twenty-one (21) additional parking spaces will be created.

**Recommended Conditions of Approval**

1. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 203/05, attached hereto and dated February 15, 2005, to an "RM-6"Mulitple Family Residential District and an "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. This rezoning shall include only the following use within the "C1.5" Commercial District
      1) Parking area, non-accessory

2. That a ten (10) percent 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.

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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.

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

Report Prepared by: Michael Robinson
PPD File # 5.502

## Schedule "A"

By-Law No. _____

File No. **DAZ 203/05**

Atlas Sheet No.

N

**AA26**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 200 Masson Street from an "R1-5" RESIDENTIAL DISTRICT and an "RM-6" MULTIPLE-FAMILY DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL DISTRICT as shown outlined below.




Schedule "A" to the report to the Riel Community Committee for File No. DAZ 203/05, dated February 15, 2005.

THIRD READING : _____ EFFECT

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

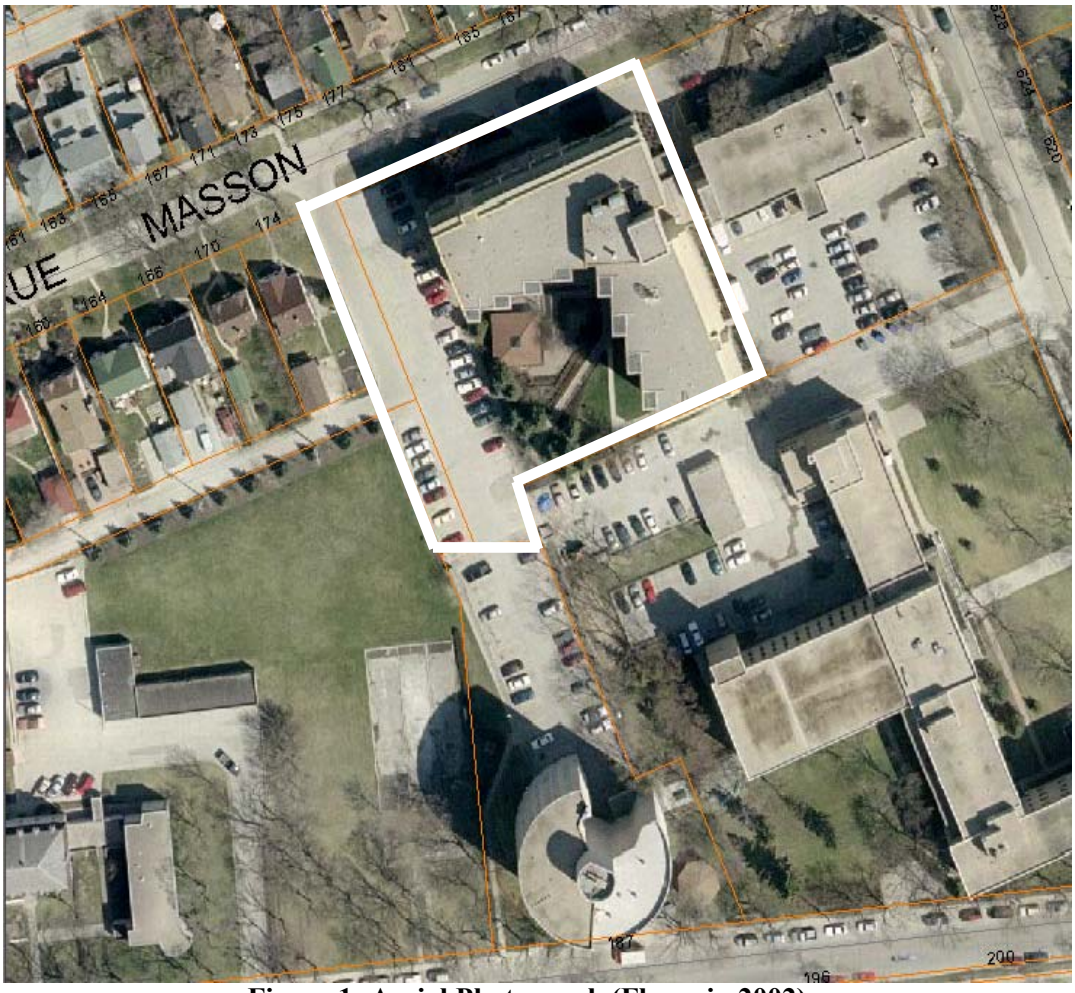


**Figure 1: Aerial Photograph (Flown in 2002)**

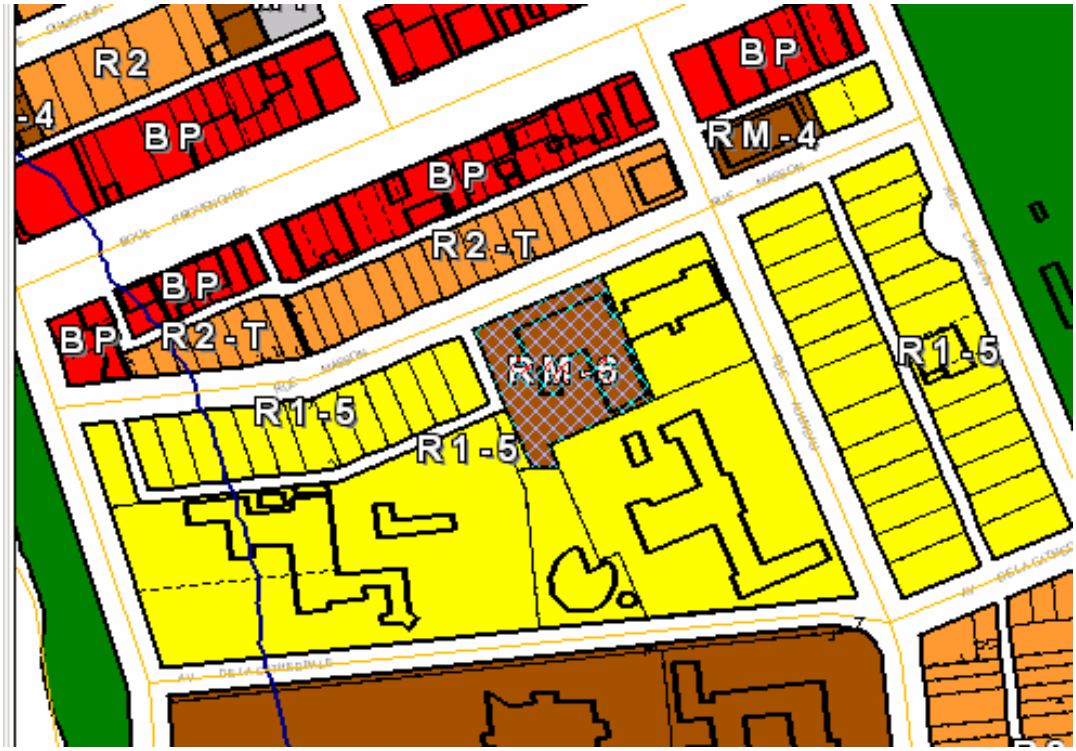

**Figure 2: Zoning Map**