Minute No. 514
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 2 **Rezoning - 1535 Wellington Crescent (former CN rail right-of-way including the bridge over Assiniboine River between Wolseley Avenue and Academy Road)**
File DAZ 235/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 235/2004 dated July 5, 2004, to a "C2" Commercial 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 apply to the subject lands plus contiguous lands owned by the applicant, being Parcel "A" Plan 42731, to provide for the following:

      i. That the use of the land be limited to the following:

         a. artisan, crafting of custom products
         b. dwelling units
         c. medical, dental, optical, counseling or other health or therapeutic clinic
         d. museum/art gallery
         e. professional offices
         f. retail sales/service, personal service permitted under C2, maximum floor area of 1,500 square feet
         g. reducing salon, health spa, steam bath, tanning salon or similar
         h. restaurant
         i. cocktail lounge
         j. studio

      ii. That the use of the bridge be limited to residential development including live-work units.

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

COUNCIL DECISION (continued):

iii. That prior to the issuance of a development permit detailed plans showing the site layout, access, parking, loading, building elevations and materials, landscaping, fencing, garbage enclosures, exterior lighting, pedestrian access and signage be submitted for the approval of the City Centre Community Committee.

iv. That prior to the issuance of a development permit, a detailed engineering report outlining the proposed servicing for the development be prepared to the satisfaction of the Director of Water and Waste.

v. That no development permit be issued for buildings on the lands between Academy Road and Wellington Crescent until such time as a traffic access plan is submitted for the approval of the Standing Committee on Public Works.

2. That the applicant enter into a Servicing Agreement to provide for the following:

A. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wellington Crescent right-of-way across the subject property as illustrated on Schedule "B" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

B. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wolseley Avenue West right-of-way across the subject property as illustrated on Schedule "D" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

C. That the Developer provide and legally open, at no cost to the City, property required for a widening to the Academy Road right-of-way as illustrated on Schedule "C" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

D. That the Developer be required to pay his share of the cost of the watermain and combined sewer in Academy Road on the basis of the current Local Improvement rates.

E. That the Developer pay all costs associated with the reconstruction or relocation of the Wellington Crescent pathway as determined by the Director of Planning, Property and Development.

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

COUNCIL DECISION (continued):

3. 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 the market value of the land.

4. 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.

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

6. 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.

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

8. That the City Solicitor/Manager of Legal Services be instructed to draft a by-law authorizing construction of building(s) on a former railway bridge structure spanning the Assiniboine River as required under Section 159(3) of The City of Winnipeg Charter.

9. 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 - June 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

The motion for adoption of the item was put.

Councillor O'Shaughnessy called for the yeas and nays, which were as follows:-

Yea: His Worship Mayor Katz, Councillors Lazarenko, Benham, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Thomas, Wyatt and O'Shaughnessy. 13

Nay: Councillors Eadie, Clement and Swandel. 3

and the motion for adoption of the item was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, as amended, namely:

- That recommendations 2A., 2B. and 2C. be deleted in their entirety and replaced with the following:

  A. That the Developer grant, in perpetuity to the City, an Easement or other such appropriate legal instrument, as determined by the City Solicitor/Manager of Legal Services, for the maintenance and perpetuation of Wellington Crescent across the subject property in general accordance with Schedule "B" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

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

DECISION MAKING HISTORY (continued):

B. That the Developer grant, in perpetuity to the City, an Easement or other such appropriate legal instrument, as determined by the City Solicitor/Manager of Legal Services, for the maintenance and perpetuation of Wolseley Avenue West across the subject property in general accordance with Schedule "D" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

C. That the Developer provide and legally open, at no cost to the City, property required for a widening to the north side of the Academy Road right-of-way as illustrated on Schedule "C" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

and submitted the matter to the Executive Policy Committee and Council.

COUNCIL:

On April 27, 2005, Council gave third reading to By-law No. 112/2004 amending Plan Winnipeg by deleting the lands known as the "Oak Point Transit Corridor" located on the CN Rail Right-of-Way crossing the Assiniboine River, from Policy Plate B, Transportation, Plan Winnipeg 2020 Vision and Policy Plate C, Transportation Concept Plan to 2020 and Beyond, in order that the said Plan Winnipeg Policy Area Map shall thereafter be read and construed as though the said lands were indicated thereon as deleted.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2004, the Standing Policy Committee on Property and Development laid over consideration of the matter pending third reading of By-law No. 112/2004.

On September 7, 2004, the Standing Policy Committee on Property and Development laid over consideration of the matter to the meeting of the Committee to be held on November 30, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1535 Wellington Crescent (former CN rail right-of-way including the bridge over Assiniboine River between Wolseley Avenue and Academy Road)**
File DAZ 235/2004 /2004 [c/r DCU 11299/2004D and DAV 113017/2004D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **July 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre Community Committee concurred in the revised administrative recommendation dated July 12, 2004, 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 shown on Schedule "A" for File DAZ 235/2004 dated, July 5, 2004, to a "C2" Commercial 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 apply to the subject lands plus contiguous lands owned by the applicant, being Parcel "A" Plan 42731, to provide for the following:

        i. That the use of the land be limited to the following:

            a. artisan, crafting of custom products
            b. dwelling units
            c. medical, dental, optical, counseling or other health or therapeutic clinic
            d. museum/art gallery
            e. professional offices
            f. retail sales/service, personal service permitted under C2, maximum floor area of 1,500 square feet
            g. reducing salon, health spa, steam bath, tanning salon or similar
            h. restaurant
            i. cocktail lounge
            j. studio

ii. That the use of the bridge be limited to residential development including live-work units.

iii. That prior to the issuance of a development permit detailed plans showing the site layout, access, parking, loading, building elevations and materials, landscaping, fencing, garbage enclosures, exterior lighting, pedestrian access and signage be submitted for the approval of the City Centre Community Committee.

iv. That prior to the issuance of a development permit, a detailed engineering report outlining the proposed servicing for the development be prepared to the satisfaction of the Director of Water and Waste.

v. That no development permit be issued for buildings on the lands between Academy Road and Wellington Crescent until such time as a traffic access plan is submitted for the approval of the Standing Committee on Public Works.

2. That the applicant enter into a Servicing Agreement to provide for the following:

A. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wellington Crescent right-of-way across the subject property as illustrated on Schedule "B" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

B. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wolseley Avenue West right-of-way across the subject property as illustrated on Schedule "D" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

C. That the Developer provide and legally open, at no cost to the City, property required for a widening to the Academy Road right-of-way as illustrated on Schedule "C" for File DAZ 235/2004 dated April 1, 2004, to the satisfaction of the Director of Public Works.

D. That the Developer be required to pay his share of the cost of the watermain and combined sewer in Academy Road on the basis of the current Local Improvement rates.

E. That the Developer pay all costs associated with the reconstruction or relocation of the Wellington Crescent pathway as determined by the Director of Planning, Property and Development.

3. 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 the market value of the land.

4. 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.

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

6. 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.

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

8. That the City Solicitor/Manager of Legal Services be instructed to draft a by-law authorizing construction of building(s) on a former railway bridge structure spanning the Assiniboine River as required under Section 159(3) of The City of Winnipeg Charter.

9. 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 Act.

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

1. The City Centre Community Committee agreed with the administrative comments contained in the revised report of the Manager of Planning and Land Use dated July 12, 2004.

2. The City Centre Community Committee sees the application as being innovative and good for area.

PUBLIC HEARING SUMMARY

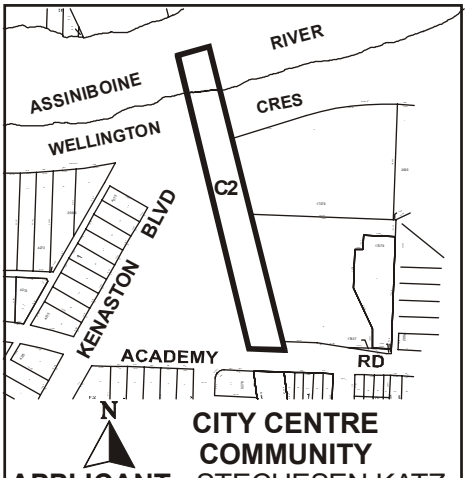
File: DAZ 235/2004 [c/r DAV 113017/2004D, DCU 11299/2004D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: July 13, 2004
Council Chambers
Council Building, 510 Main Street

Applicant: Alec Katz, Stechesen Katz Architects

Subject:



Premises Affected: 1535 Wellington Crescent (former CN rail right-of-way including the bridge over Assiniboine River between Wolseley Avenue and Academy Road)

Exhibits Filed:

1. Application dated March 25, 2004
2. Notification of Public Hearing dated June 15, 2004
3. Certificate of Title(s) 862438, 158701
4. Surveyor's Building Location Certificate and sketches dated January 16, 2004
5. Letter of authorization dated October 31, 2003 from Harold Sweetland, Asset Manager, Railway Properties, Canadian National Railway Company, to Stechesen Katz Architects
6. Extract of Atlas Sheet AB20
7. Plan (1 page)
8. Report from the Manager of Planning and Land Use dated July 5, 2004
9. Inspection Report
10. Revised Report from the Manager of Planning and Land Use dated July 12, 2004
11. Communication dated July 8, 2004, from Keith and Patricia Lilley in opposition to the application.
12. Communication dated July 12, 2004, from Gord McGonigal, in respect to the application.
13. Communication dated July 12, 2004, from Muriel Aboul-Atta, in opposition to the application.
14. Communication dated July 13, 2004, from Dr. Danuta Podkomorska and Dr. Anna Szetle, in opposition to the application
15. Communication, undated, from Joan Green, in opposition to the application
16. Communication, dated July 13, 2004, from Phillip Rosen, in support of the application
17. Communication, dated July 12, 2004, from Al Shrupka, Executive Partner, Remax Realty, in support of the application
18. Communication dated July 12, 2004, from Donald K. Oliver, President, Northern Sky Architecture Inc., in support of the application
19. Communication dated July 12, 2004, from Wins Bridgman, in support of the application
20. Communication dated July 12, 2040, from Tat-Liang Fabio Cheam, Principal, Nejmark Architect, in support of the application
21. Communication dated July 12, 2004, from John C. Petersmeyer, in support of the application

22. Communication dated July 8, 2004, from David Penner, Principal, David Penner Architect, in support of the application
23. Communication dated July 12, 2004, from Kyle Lewkowich, Smith Carter Architects and Engineers Incorporated in support of the application
24. Communication dated July 13, 2004, from Annette Gargol, Architect, Friesen Tokar Architects, in support of the application
25. Communication (undated), from Ernie Ha. A. Walter, Architect, Ernie H. A. Walter Architect, in support of the application
26. Presentation submitted by Alec Katz in support of the application
27. Presentation submitted by Vic Pruden in opposition to the application
28. Presentation submitted by Ed Hume in opposition to the application
29. Petition in opposition to the application, submitted by Ed Hume at the public hearing, purporting to contain the signatures of 500 residents
30. Presentation submitted by Roger Geeves in opposition to the application
31. Presentation submitted by Donna Patterson in opposition to the application
32. Presentation submitted by Bob Everitt in opposition to the application
33. Presentation submitted by Ken Rech in opposition to the application
34. Presentation submitted by Doreen Pruden in opposition to the application
35. Communication dated July 12, 2004, from Thelma and Gordon Miller in opposition to the application
36. Communication dated July 12, 2004, from Paula and Vince Chorney, in opposition to the application
37. Communication dated July 12, 2004, from Eileen Rosen, in opposition to the application
38. Communication dated July 12, 2040, from P. J. Klassen, in opposition to the application
39. Presentation submitted by Dennis Ward in opposition to the application
40. Presentation submitted by Sam Steindel in opposition to the application

41. Presentation submitted by Don Smith in opposition to the application

REPRESENTATIONS:

In Support:
Alec Katz
Dennis Appler
Cathy Bammar
Mary Jane Bennett
Pauline Borland
Tery Bray
Wins Bridgman
Frank Bueti
Tat-Liang Fabio Cheam
Anne Cholakis
Jeff and Shelly Cochrane
Stephen Cohlmeyer
Travis Cooke
Chantal Delorme
Robert Enright
Jeff Ganczar
Annette Gargol
Dave Gonen
E. Kerrie Halprin (Leipsic)
Milton Kelm
Neil and Marge Koop
Kyle Lewkowich
Donald K. Oliver
David Penner
John C. Petersmeyer
Phillip Rosen
Daniel Setchal
Greg A. Sheley
Al Shrupka
Morse and Ruth C. Silden
Jim Smith
Mira Spivak
Leslie Stechesen
Maurice D. Steele
Lorena Sued and Damian Surasky
Andrew Valko
James Wagner

Ernie H.A. Walter
K.T. White
Kenneth Zaifman
Beatril Zentnell
Lev Zentner

In Opposition:
Muriel Aboul-Atta
Louise Barrette
Anne Good and Greg Bergman
Geraldine Berryere
Allan Cameron
Florence Carter
Paula Chorney and Vince Chorney
C. M. Conacher
Robert S. Conacher
Fran Coulter
Robin Cowan
Michael Cox
B.M. Cumming
Rob Everitt
Pat Fraser
Andrew Gallie
Roger Geeves
Joan Green
William Grindell
Guy and Marion Hodgins
Ed Hume
Tanja Hutter
Jim Jaworski
P.J. Klassen
Joshua Koulack
Karen Knight
David and Samuel Koulack
Emil Kucera
Keith and Patricia Lilley
Brian and Maxine J. Lutz
Constance MacDonald
Caroline Malec
Pat Martin
Dean T.A. McLeod
Thelma and Gordon Miller
Charles and Vivian Milton

Harvey Nairn
Margaret Orr
Hazel and Allan Osborn
Donna and Gary Patterson
Dr. Danuta Podkomorska and Dr. Anna Szetle
Doreen F. and Vic Pruden
Heinz Rebling
Ken Rech
Linda Regehr
David and Marjorie Rock
Eileen Rosen
Margaret A. Saundry
Don E. Smith
Mrs. Brunhilda Steidle
Sam Steindel
Barbara Teskey
Ron Timlick
Mia Timmermans
Valerie Turnbull
Bill Vex
J.K. Walker
Dennis Ward
Jennifer Weide
Clare Whitaker
Anthony and Marion Wiebe
Brenda Willcox
Mrs. B. Yancey

For Information:
Rory Broder
Fred Curry
Elizabeth Fleming
Dave Hopwood
P. Kives
Bob Matias
Gord McGonigal
Fred Morris
Ron Penner
Dean Schilling
Stephen Walker
Phyllis Watson

For the City:

Mr. M. Grady, Senior Planner, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Alec Katz appeared in support of the application, and read into the record a written presentation filed as Exhibit 26.

Councillor Gerbasi inquired as to the price of the condo units.

Mr. Katz responded that it was an approximate $200.00 a square foot. He stated he was happy with the administrative report and its comprehension. He also expressed concerns with the access agreement, the right-of way, and the bicycle path.

Councillor Benham inquired if the roof was going to have environmental features.

Mr. Katz stated that details had not been finalized. He also stated that final plans would be submitted for approval by Community Committee.

Councillor Benham inquired as to provisions for a public walkway on the site.

Mr. Katz stated there had not been any made as it was a private development.

Councillor Benham inquired as to the parking.

Mr. Katz stated that it was to be underneath the bridge.

Councillor Benham inquired if the proposed offices would be restricted to persons owning the condo units.

Mr. Katz stated that the offices would be a separate space and not necessarily owned by persons living in the condo units.

Councillor Gerbasi inquired as to fire and garbage servicing.

Mr. Katz stated that the plan was for services off of Wellington Crescent and that he was looking at working with city to get access to the right-of-ways.

Councillor Benham asked for clarification on the use of the site.

The Senior Planner stated that it was a mixed use building, with residences and separate office spaces.

Mr. Phillip Rosen appeared in support of the application and stated that it would improve the area.

Mr. Stephen Cholmeyer appeared in support of the application. He stated that the development was in accordance to Plan Winnipeg. He also stated that it would generate tax income to the city. He further stated that it was something new and attractive.

Councillor Gerbasi inquired if people were using the bridge as a walkway.

Mr. Cholmeyer stated that the bridge was blocked off and quite dangerous.

Mr. Leslie Stchensen appeared in support of application. He stated that cities are defined by the buildings they create. He also stated that the application was significant architecture, with consideration to the character of landscape in area

Mr. Neil Koop appeared in support of application. Mr. Koop stated he originally had concerns, and had signed the petition against, but had since done research and felt that it would be an improvement to the area. He also stated that he would like to keep the area as green as possible.

Mr. Maurice Steele appeared in support of the application. Mr. Steele stated he lived three (3) blocks from site. He also stated that the application would turn a derelict piece of steel into a gem.

Mr. Robert Enwright appeared in support of application. He stated that he traveled a great deal and this application would make Winnipeg significant in an area where it has not yet been. He also stated that the project would enhance the nature of the city.

Mr. Vic Pruden appeared in opposition to the application and read into the record a written presentation filed as exhibit 27.

Mr. Ed Hume appeared in opposition to the application and read into the record a written presentation filed as exhibit 28.

Mr. Roger Geeves appeared in opposition to the application read into the record a written presentation filed as exhibit 30.

Ms Donna Patterson appeared in opposition to the application and read into the record a written presentation filed as exhibit 31.

Mr. Rob Everitt appeared in opposition to the application and read into the record a written presentation filed as exhibit 32.

Mr. Ken Rech appeared in opposition to the application and read into the record a written presentation filed as exhibit 33.

Ms Doreen F. Pruden appeared in opposition to the application and read into the record a written presentation filed as exhibit 34.

Mr. Dennis Ward appeared in opposition to the application and read into the record a written presentation filed as exhibit 39.

Mr. Sam Steindel appeared in opposition to the application and read into the record a written presentation filed as Exhibit 40.

Mr. Don Smith appeared in opposition to the application and read into the record a written presentation filed as Exhibit 41.

Ms Fran Coulter appeared in opposition to the application. Ms Coulter emphasized the number of persons in opposition to the application.

Mr. Emil Kucera appeared in opposition. Mr. Kucera stated concerns with building residences over a bridge as not being safe.

Mr. Michael Cox appeared in opposition to the application. Mr. Cox stated concerns with number of units and parking stalls not being clear and the architecture of the proposal.

Mr. Fred Morris appeared for information on the application. Mr. Morris inquired as to the natural boundary ward line. Mr. Morris stated that the application should have been dealt with by the Assiniboia Community Committee.

Mr. Fred Curry appeared for information on the application: Mr. Curry stated concerns with the Plan Winnipeg amendments that the application would require. He inquired as to the 2/3rds Council approval requirement because the site was on park land.

In rebuttal Mr. Katz sated that there had been misconceptions as to the plan. Mr. Katz stated that final plans would be submitted for Community Committee approval. He also stated that there would be no more than 24 units built. He further stated that the parking requirements would be met. He also further stated that the intent was to use the existing structure and take precautions to not affect the water.

Exhibit "8" referred to in File DAZ 235/04 [c/r DAV 113017/2004D, DCU 112992/2004D]

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 235/04 (c/r DAV 04-113017/D; DCU 04-112992/D) July 5, 2004
Our c/f CP 500 (.626)

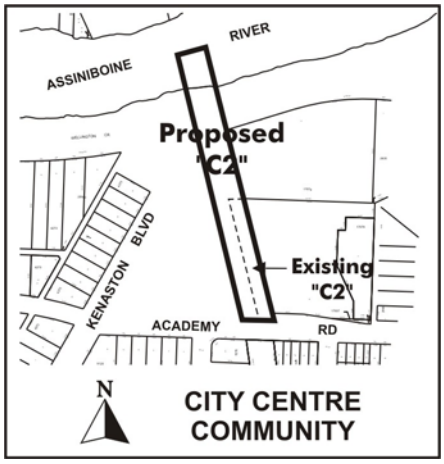
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
1535 Wellington Crescent
City Centre Community Committee
File No. DAZ 235/04

An application has been received from Stechesen Katz Architects (Alec Katz), to amend By-Law No. 6400/94 by rezoning the land shown below from a "PR-1" Parks and Recreation District and a "R1-5.5" Single-family Residential District to a "C2" Commercial District to allow for mixed-use commercial/residential development.

RELATED FILES: DCU 04-112992/D; DAV 04-11301/D



SITE DESCRIPTION:

Related Files:
The Conditional Use application is required because dwelling units in commercial zones require either Board of Adjustment approval or, when connected to a rezoning application, Community Committee approval. The Zoning Variance application is required because the standard bulk regulations are difficult to comply with given the uniqueness of the site.

Site Area:
The area to be rezoned includes both land and bridge structure. The total site area measures about 75,735 square feet (1.74 acres), which includes the land between Academy and the normal high water level on the south bank of the Assiniboine River. The land portion of the site measures about 765 feet in length from Academy Road to the normal high water level, with a width of 99 feet and angled frontage of 105 feet on Academy Road. The north-south measurement excludes the traffic lane of the northbound ramp from Academy onto the St. James Bridge, which crosses the very south end of the applicant's property. As well, Wellington Crescent also rests atop land owned by the applicant.

The subject rezoning application deals with the land between Academy and the river, plus the south half of the bridge (210 feet). The applicant's land north of the river, plus the north half of the bridge (210 feet) are already zoned "C2". However, the related Conditional Use and Zoning Variance applications deal with the entire bridge structure, between Wellington Crescent and Wolseley Avenue West, excluding the approach spans over the roadways, which will remain in place. The bridge is 420 feet in total length, with an existing width of 20 feet. The bridge is being widened by 10 feet on either side to accommodate the condo units and common areas, for a total width of 40 feet. The parking garages suspended from either end of the bridge are 60 feet wide.

Existing Land Use and Zoning:
The site is a segment of the CNR's abandoned Oak Point Subdivision. It is currently vacant except for the bridge structure.

Note: Zoning boundaries extend to the middle of rivers and road and rail rights-of-way. Therefore, the subject property is zoned to accord with the adjacent properties on the west and east. The east half of the land is zoned "C2" adjacent to the RCMP forensic lab, and "PR1" adjacent to Wellington Park. The west half of the property bordering the St. James Bridge is zoned "R1-5.5".

Surrounding Land Use and Zoning:
North across the Assiniboine river: The north end of the applicant's land and bridge fall within the West Wolseley neighbourhood in the St. James-Brooklands Ward of the Assiniboia Community. The land component measures 78 feet wide and about 250 feet long measured from the normal high water level. The land falls within the block generally bounded by Portage

Avenue, St. James Street, Wolseley Avenue West, and the Route #90 off ramp. The entire block is zoned "C2" Commercial District, and includes overflow parking for the Viscount Gort hotel, the Jet car wash, the St. James Street Medical Clinic, a vacant commercial site on the west side of St. James, and the Globe General Agencies office building at 494 St. James Street. The neighbourhood includes the historic St. James Anglican Church and cemetery, a variety of restaurants, and a mix of housing including single-family, town houses and apartments. The properties most exposed to the proposed development are the office building a 494 St. James and the private, riverside residence at 1610 Wolseley (Figures 10 & 11). Mature trees largely screen the development from all houses lining the south side of Wolseley Avenue West, but the bridge is visible from a backyard vantage point on these properties.

South across Academy Road: The portion of the rail line abutting the south side of Academy was subdivided and rezoned to "C1" under DASZ 14/03, and remains undeveloped. To the east of this parcel, over to Centennial Street, lies a multi-tenant, commercial building zoned "C1". To the west, at the corner of Lockwood, is a duplex zoned "R2-A". In a broader context, the Sir John Franklin neighbourhood to the south is developed predominately with single-family dwellings zoned "R1-4A".

East: The site borders Wellington Park zoned "PR1" Parks and Recreation District, and the RCMP Forensic Centre zoned "C2" Commercial District. The park contains two ball diamonds, with parking along the south side of Wellington Crescent.

West: To the west of the site lies Route #90 and the St. James Bridge, zoned "R1-5.5" Single-family District.

DEVELOPMENT DESCRIPTION:
The applicant proposes develop the site in two phases. Phase 1 includes the condominium project constructed atop the abandoned rail bridge. Phase 2 will involve the development of the lands between Academy and Wellington. Preliminary plans for the land portion of the site point to a mixed-use project with under-building parking and initial access off Wellington Crescent. Phase 2 will require another conditional use application for the housing component, and zoning variances for the building itself, and a Zoning Agreement amendment should the applicant desire additional commercial uses to those currently being recommended. As previously mentioned, the current conditional use and variance applications relate to the bridge condo structure only. Phase 2 of the project will therefore involve additional public hearings. A "Plan Approval" clause under the current Zoning Agreement will require that building, site and landscape plans be submitted for the approval of the City Centre Community Committee and the City Administration prior to the issuance of a development permit.

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of units is the result of a modular building plan that will allow purchasers to assemble their units from 2 or more modules. The first and second levels are comprised of 18 such modules, while the third level has 15 modules, for a total of 51 modules. Each floor has a gross area of approximately 12,400 square feet, for a total floor area of 37,200 square feet.
Building entries are located at either end of the bridge on the lower, parking level. The residential floors will have stair and elevator access, via hallways that run the entire length of the bridge along the west side of the structure. This orients the residential units to the east. Balconies will be provided on the first and third levels. The approach spans over Wellington and Wolseley will be adapted for loading and delivery.

The existing bridge structure is tall enough to contain the first and second residential levels. The structure will be heightened by about 11 feet to contain the third residential level. The bridge must also be widened by 10 feet on either side to accommodate the proposed condo structure. The mass of the structure will rise to a height of 35 feet from the surface of the existing bridge. The building complies with the height limit of 45 feet in "C2" zones, measured from the street grade. The allowable residential density in "C2" zones is one unit per 1,000 square feet of lot area. Theoretically, the site could accommodate upwards of 80 residential units in both phases of development.

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Phase 2 Concept: Plans for Phase 2 of the development, the land portion between Wellington and Academy, are not finalized. The nature and scale of this development will largely depend upon provisions for vehicular access. Currently, the site can only be accessed from Wellington Crescent. Options for access to Academy and the southbound Kenaston to Academy off-ramp are not supported by the Public Works Department. The applicant has entered into discussions with the RCMP for an easement allowing use of the forensic lab's driveway approach onto Academy.

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On the basis of the above, general description, the total parking required by Phase 2 can be roughly estimated. The residential portion would require about 80 stalls based on 1.5 stalls per 53 units. Assuming the commercial levels are evenly split between office and retail uses, the parking requirement would be 11 stalls for the office use (1 stall per 750 square feet), and 34 stalls for the retail use (1 stall per 250 square feet), for a total commercial parking requirement of 45 stalls. This points to a total parking demand of about 125 stalls for Phase 2. The applicant estimates that the parking garage could contain upwards of 200 stalls, which leaves substantial leeway for uses that require a higher parking ratio. Again, the scale of the development will

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Wellington Pathway: As the approach to the south garage will cross the Wellington Crescent bike and pedestrian pathway, the pathway will have to be diverted to the south side of Wellington Crescent beside Wellington Park, re-crossing Wellington west of the St. James Bridge. The earth beneath the south bridge approach span will have to be excavated to accommodate pathway relocation. This work will occur at the developer's expense.

Pathway relocation may be beneficial for reasons of safety in relation to where the pathway currently crosses over to the north side of Wellington Crescent east of the bridge. Currently, the pathway descends the dyke at a steep incline and crosses the street on a curve at the base of a rise on Wellington. In addition to the incline, the sight lines are not perfect, a situation that is potentially dangerous for rollerbladers and child cyclists. It is acknowledged that both Wellington Crescent and Wolseley Avenue are closed to through traffic on Sundays and holidays during the spring, summer and fall. This is a factor in the applicant's desire to pursue alternative options for accessing the Phase 2 development.

PLAN WINNIPEG:

The Planning and Land Use Division is of the opinion that the proposed development complies with the spirit and intent of Plan Winnipeg, which supports mixed-use, infill development that is close to major transit routes and is compatible with the surrounding neighbourhood. Plan Winnipeg supports the adaptive re-use of heritage structures. And the project also represents a "unique and high quality of urban design" that is also promoted in Plan Winnipeg. The Transportation Policy Plate "B" currently identifies the Oak Point line between Academy and Portage, including the subject lands, as a Transit Corridor. Plan Winnipeg is in the process of being amended to eliminate this reference. Of particular concern is the emphasis in Plan Winnipeg on the protection of, and enhancement of public access to, riverbank lands. However, as the City chose not to acquire the bridge and adjoining riverbank for use as either a transit or

pedestrian linkage, and as the land and bridge are privately owned, the current project does not take away existing rights of public access to riverbank.

ADMINISTRATIVE COMMENTS:

The following paragraphs attempt to provide an objective response to the most of the concerns expressed by people regarding the project.

The bridge should be converted to a pedestrian crossing. Pedestrian and cyclist movement across the river is served by sidewalks on the St. James Bridge and the footbridge suspended from the CPR La Riviere bridge at Omand Creek. In fact, the City owns a strip of land running down the east limit of the CPR line to Corydon Avenue that could be improved with a pathway as was proposed for the Oak Point line.

The bridge condos will block the view of the river. From the ground, the bridge condos will only block the view of the St. James Bridge, which, along with the sound attenuation it will provide, is a project benefit to the most affected residents along Wolseley Avenue West. The building *will* block the view from the sidewalk on the east side of the St. James Bridge, but this is considered a minor impact given the opportunities in the area for river viewing. The river is not easily seen from the bridge's northbound traffic lanes given the solid barriers and the need to watch for merging traffic. Recent traffic bridges constructed in Winnipeg have, in fact, been designed to thwart river gazing while lowering maintenance costs. The building will be visible from Kiltarton Towers, but the impact is not as significant given the distances involved and the prominence of the intervening St. James Bridge.

The bridge condos will destroy the view of the River. Buildings, not bridges, obscure river views. From the ground, the extensive riverbank foliage obscures both bridge and river from most vantage points. The bridge is not visible from Wellington Crescent or the bike path when approached from the west, due to the St. James Bridge. The recently completed Provencher pedestrian bridge at The Forks has, in comparison, a greater visual impact juxtaposed to the Red River.

The building is unattractive. The building design flows directly from the bridge's steel girder superstructure. With its combination of steel and glass, the appearance will be modernistic. Any other design would be inappropriate. Old bridges, like wooden grain elevators, have meaning in people's lives. They are appealing both visually and for nostalgic reasons. If the project proceeds, many area residents and users of the pathway will understandably miss seeing the current bridge for a time. But, it is important to consider that, had the applicant not purchased the bridge, it would likely have been dismantled to the piers. An engineering assessment has identified that the steel is disintegrating in the absence of ongoing maintenance.

Information on the bridge project is lacking. Few condo projects have generated as much attention and publicity. The applicant has met with several residents and, at the time of writing,

only 2 people had attended the Division's offices to review the project file, which is public information. The Division can recommend, but not compel applicants to meet with area residents. The Public Hearing provides the only legislated forum for disclosure and debate.

The project is detrimental to the surrounding area. The City regularly approves similar-sized or larger residential and mixed-use infill projects in existing neighbourhoods. With respect to the current proposal, rarely in the experience of the Division has an infill project been determined to have less impact on the surrounding neighbourhood. The project would actually buffer the adjacent neighbourhoods from the City's busiest transportation corridor. South of Wellington Crescent the project abuts a commercial strip and is separated from the nearest housing by a park and the forensic lab. North of the river, where the project will generate the least activity, the entire block is zoned for existing and future commercial development.

Zoning approval is the first of several hurdles the applicant must cross in order to bring this project to fruition. Should Council approve the rezoning, the applicant will have 2 years to register the Zoning Agreement. Baring this, the applicant must either reapply for rezoning or request Council to extend the time limit. Regarding the Conditional Use and Zoning Variances, if approved, the applicant will have 2 years from the date of the Orders to take out a development permit. Baring this, the Orders will automatically terminate, and the applicant must reapply to establish the conditional use and zoning variances.

The Planning and Land Use Division believes that the project should be allowed to proceed as a worthy postscript to a time when rail lines and bridges replaced cart paths and river fords on the way to becoming, for better or worse, the major determinant of Winnipeg's urban form and spatial organization in the latter part of the 19th century. Now, in the 21st century, rail industry rationalization is presenting unique opportunities for using abandoned rights-of-way, marshalling yards, and related plant in ways that will enhance the urban environment. Notable examples from Winnipeg include the Forks redevelopment in the CN East Yards and the designation of the abandoned Hart Line in Charleswood as a segment of the Trans-Canada Trail. The condos-on-the-bridge component of the current proposal presents an opportunity to showcase a unique and innovative adaptive re-use project. Beyond the interest it will generate within the general public, the project will receive national and international exposure across the fields of urban planning, architecture, heritage preservation, eco-design and green building technology and construction. Ultimately the market, and not the rezoning process, should determine whether or not the project succeeds. It is widely believed that Winnipeggers should promote and celebrate the kind of homegrown vision, creativity and determination represented by this project.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 235/04, attached hereto and dated, July 5, 2000, to a "C2" Commercial 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 apply to the subject lands plus continguous lands owned by the applicant, being Parcel "A" Plan 42731, to provide for the following:

1. That the use of the land be limited to the following:
   - artisan, crafting of custom products
   - dwelling units
   - medical, dental, optical, counselling or other health or therapeutic clinic
   - museum/art gallery
   - professional offices
   - retail sales/service, personal service permitted under C2, maximum floor area of 1,500 square feet
   - reducing salon, health spa, steam bath, tanning salon or similar
   - restaurant
   - cocktail lounge
   - studio
2. That the use of the bridge be limited to residential development including live-work units.

3. That, prior to the issuance of a development permit, detailed plans showing the site layout, access, parking, loading, building elevations and materials, landscaping, fencing, garbage enclosures, exterior lighting, pedestrian access and signage be submitted for the approval of the City Centre Community Committee.

4. That, prior to the issuance of a development permit, a detailed engineering report outlining the proposed servicing for the development be prepared to the satisfaction of the Director of Water and Waste.

5. That no development permit be issued for buildings on the lands between Academy Road and Wellington Crescent until such time as a traffic access plan is submitted for the approval of the Standing Committee on Public Works.

II. That the applicant enter into a Servicing Agreement to provide for the following:

1. That the Developer grant, in perpetuity, to the City an Easement or other such appropriate legal instrument, as determined by the City Solicitor, for the maintenance and perpetuation of Wellington Crescent across the subject property as illustrated on the attached Figure PR00-18, dated April 1, 2004, to the satisfaction of the Director of Public Works.

2. That the Developer provide and legally open, at no cost to the City, property required for a widening to the Academy Road right-of-way as illustrated on the attached Figure PR00-19, dated April 1, 2004, to the satisfaction of the Director of Public Works.

3. That the Developer be required to pay his share of the cost of the watermain and combined sewer in Academy Road on the basis of the current Local Improvement rates.

4. That the Developer pay all costs associated with the reconstruction or relocation of the Wellington Crescent pathway, as determined by the Director of Planning and Development.

III. That a 10 per cent 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 the market value of the land.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

V. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. 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.

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

VIII. That the City Solicitor be instructed to draft a by-law authorizing construction of building(s) on a former railway bridge structure spanning the Assiniboine River as required under Section 159(3) of The City of Winnipeg Charter.

IX. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 235/04, dated July 5, 2004.

Figure 2: Schedule "B" to the report to the City Centre Community Committee for file No. DAZ 235/04, dated April 1, 2004.

Figure 3: Schedule "C" to the report to the City Centre Community Committee for file No. DAZ 235/04, dated April 1, 2004.

Figure 4: Community Context air photos.

Figure 5: Air Photo showing north half of bridge.

Figure 6: Air Photo showing south half of bridge.

Figure 7: Looking south from St. James Bridge.

Figure 8: Looking north from St. James Bridge opposite middle of rail bridge.

Figure 9: Looking southeast from St. James Bridge towards Wellington Crescent.

Figure 10: Looking east along Wolseley Avenue West from St. James Bridge towards 1610 Wolseley AW.

Figure 11: Looking NE from mid-point of bridge towards river properties along Wolseley AW.

Figure 12: Bridge from Wellington Crescent.

Exhibit "10" referred to in File DAZ 235/04 [c/r DAV 113017/2004D, DCU 112992/2004D]

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

REVISED REPORT

File No. DAZ 235/04 (c/r DAV 04-113017/D; DCU 04-112992/D) July 12, 2004
Our c/f CP 500 (.626)

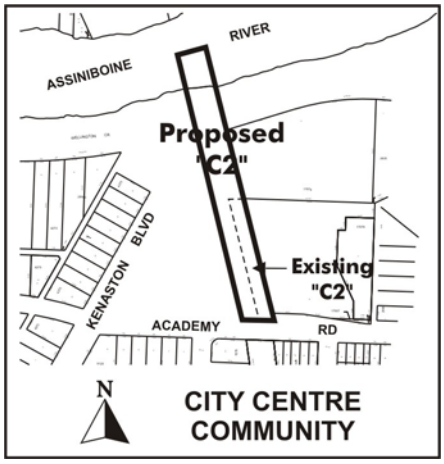
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
1535 Wellington Crescent
City Centre Community Committee
File No. DAZ 235/04

An application has been received from Stechesen Katz Architects (Alec Katz), to amend By-Law No. 6400/94 by rezoning the land shown below from a "PR-1" Parks and Recreation District and a "R1-5.5" Single-family Residential District to a "C2" Commercial District to allow for mixed-use commercial/residential development.

RELATED FILES: DCU 04-112992/D; DAV 04-11301/D



SITE DESCRIPTION:

Related Files:
The Conditional Use application is required because dwelling units in commercial zones require either Board of Adjustment approval or, when connected to a rezoning application, Community Committee approval. The Zoning Variance application is required because the standard bulk regulations are difficult to comply with given the uniqueness of the site.

Site Area:
The area to be rezoned includes both land and bridge structure. The total site area measures about 75,735 square feet (1.74 acres), which includes the land between Academy and the normal high water level on the south bank of the Assiniboine River. The land portion of the site measures about 765 feet in length from Academy Road to the normal high water level, with a width of 99 feet and angled frontage of 105 feet on Academy Road. The north-south measurement excludes the traffic lane of the northbound ramp from Academy onto the St. James Bridge, which crosses the very south end of the applicant's property. As well, Wellington Crescent also rests atop land owned by the applicant.

The subject rezoning application deals with the land between Academy and the river, plus the south half of the bridge (210 feet). The applicant's land north of the river, plus the north half of the bridge (210 feet) are already zoned "C2". However, the related Conditional Use and Zoning Variance applications deal with the entire bridge structure, between Wellington Crescent and Wolseley Avenue West, excluding the approach spans over the roadways, which will remain in place. The bridge is 420 feet in total length, with an existing width of 20 feet. The bridge is being widened by 10 feet on either side to accommodate the condo units and common areas, for a total width of 40 feet. The parking garages suspended from either end of the bridge are 60 feet wide.

Existing Land Use and Zoning:
The site is a segment of the CNR's abandoned Oak Point Subdivision. It is currently vacant except for the bridge structure.

Note: Zoning boundaries extend to the middle of rivers and road and rail rights-of-way. Therefore, the subject property is zoned to accord with the adjacent properties on the west and east. The east half of the land is zoned "C2" adjacent to the RCMP forensic lab, and "PR1" adjacent to Wellington Park. The west half of the property bordering the St. James Bridge is zoned "R1-5.5".

Surrounding Land Use and Zoning:
North across the Assiniboine river: The north end of the applicant's land and bridge fall within the West Wolseley neighbourhood in the St. James-Brooklands Ward of the Assiniboia Community. The land component measures 78 feet wide and about 250 feet long measured from the normal high water level. The land falls within the block generally bounded by Portage

Avenue, St. James Street, Wolseley Avenue West, and the Route #90 off ramp. The entire block is zoned "C2" Commercial District, and includes overflow parking for the Viscount Gort hotel, the Jet car wash, the St. James Street Medical Clinic, a vacant commercial site on the west side of St. James, and the Globe General Agencies office building at 494 St. James Street. The neighbourhood includes the historic St. James Anglican Church and cemetery, a variety of restaurants, and a mix of housing including single-family, town houses and apartments. The properties most exposed to the proposed development are the office building a 494 St. James and the private, riverside residence at 1610 Wolseley (Figures 10 & 11). Mature trees largely screen the development from all houses lining the south side of Wolseley Avenue West, but the bridge is visible from a backyard vantage point on these properties.

South across Academy Road: The portion of the rail line abutting the south side of Academy was subdivided and rezoned to "C1" under DASZ 14/03, and remains undeveloped. To the east of this parcel, over to Centennial Street, lies a multi-tenant, commercial building zoned "C1". To the west, at the corner of Lockwood, is a duplex zoned "R2-A". In a broader context, the Sir John Franklin neighbourhood to the south is developed predominately with single-family dwellings zoned "R1-4A".

East: The site borders Wellington Park zoned "PR1" Parks and Recreation District, and the RCMP Forensic Centre zoned "C2" Commercial District. The park contains two ball diamonds, with parking along the south side of Wellington Crescent.

West: To the west of the site lies Route #90 and the St. James Bridge, zoned "R1-5.5" Single-family District.

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Traffic Access: The Public Works Department has reviewed the project and is of the opinion that the traffic generated by the both phases of development can be accommodated on existing streets. The traffic generated from the north half of the building (15 dwelling units) will primarily use St. James Street, which provides all-turns access onto Portage Avenue. Traffic from the southerly units will use Wellington Crescent, which is a collector street providing access to major arterials.

Wellington Pathway: As the approach to the south garage will cross the Wellington Crescent bike and pedestrian pathway, the pathway will have to be diverted to the south side of Wellington Crescent beside Wellington Park, re-crossing Wellington west of the St. James Bridge. The earth beneath the south bridge approach span will have to be excavated to accommodate pathway relocation. This work will occur at the developer's expense.

Pathway relocation may be beneficial for reasons of safety in relation to where the pathway currently crosses over to the north side of Wellington Crescent east of the bridge. Currently, the pathway descends the dyke at a steep incline and crosses the street on a curve at the base of a rise on Wellington. In addition to the incline, the sight lines are not perfect, a situation that is potentially dangerous for rollerbladers and child cyclists. It is acknowledged that both Wellington Crescent and Wolseley Avenue are closed to through traffic on Sundays and holidays during the spring, summer and fall. This is a factor in the applicant's desire to pursue alternative options for accessing the Phase 2 development.

PLAN WINNIPEG:

The Planning and Land Use Division is of the opinion that the proposed development complies with the spirit and intent of Plan Winnipeg, which supports mixed-use, infill development that is close to major transit routes and is compatible with the surrounding neighbourhood. Plan Winnipeg supports the adaptive re-use of heritage structures. And the project also represents a "unique and high quality of urban design" that is also promoted in Plan Winnipeg. The Transportation Policy Plate "B" currently identifies the Oak Point line between Academy and Portage, including the subject lands, as a Transit Corridor. Plan Winnipeg is in the process of being amended to eliminate this reference. Of particular concern is the emphasis in Plan Winnipeg on the protection of, and enhancement of public access to, riverbank lands. However, as the City chose not to acquire the bridge and adjoining riverbank for use as either a transit or

pedestrian linkage, and as the land and bridge are privately owned, the current project does not take away existing rights of public access to riverbank.

ADMINISTRATIVE COMMENTS:

The following paragraphs attempt to provide an objective response to the most of the concerns expressed by people regarding the project.

The bridge should be converted to a pedestrian crossing. Pedestrian and cyclist movement across the river is served by sidewalks on the St. James Bridge and the footbridge suspended from the CPR La Riviere bridge at Omand Creek. In fact, the City owns a strip of land running down the east limit of the CPR line to Corydon Avenue that could be improved with a pathway as was proposed for the Oak Point line.

The bridge condos will block the view of the river. From the ground, the bridge condos will only block the view of the St. James Bridge, which, along with the sound attenuation it will provide, is a project benefit to the most affected residents along Wolseley Avenue West. The building *will* block the view from the sidewalk on the east side of the St. James Bridge, but this is considered a minor impact given the opportunities in the area for river viewing. The river is not easily seen from the bridge's northbound traffic lanes given the solid barriers and the need to watch for merging traffic. Recent traffic bridges constructed in Winnipeg have, in fact, been designed to thwart river gazing while lowering maintenance costs. The building will be visible from Kiltarton Towers, but the impact is not as significant given the distances involved and the prominence of the intervening St. James Bridge.

The bridge condos will destroy the view of the River. Buildings, not bridges, obscure river views. From the ground, the extensive riverbank foliage obscures both bridge and river from most vantage points. The bridge is not visible from Wellington Crescent or the bike path when approached from the west, due to the St. James Bridge. The recently completed Provencher pedestrian bridge at The Forks has, in comparison, a greater visual impact juxtaposed to the Red River.

The building is unattractive. The building design flows directly from the bridge's steel girder superstructure. With its combination of steel and glass, the appearance will be modernistic. Any other design would be inappropriate. Old bridges, like wooden grain elevators, have meaning in people's lives. They are appealing both visually and for nostalgic reasons. If the project proceeds, many area residents and users of the pathway will understandably miss seeing the current bridge for a time. But, it is important to consider that, had the applicant not purchased the bridge, it would likely have been dismantled to the piers. An engineering assessment has identified that the steel is disintegrating in the absence of ongoing maintenance.

Information on the bridge project is lacking. Few condo projects have generated as much attention and publicity. The applicant has met with several residents and, at the time of writing,

only 2 people had attended the Division's offices to review the project file, which is public information. The Division can recommend, but not compel applicants to meet with area residents. The Public Hearing provides the only legislated forum for disclosure and debate.

The project is detrimental to the surrounding area. The City regularly approves similar-sized or larger residential and mixed-use infill projects in existing neighbourhoods. With respect to the current proposal, rarely in the experience of the Division has an infill project been determined to have less impact on the surrounding neighbourhood. The project would actually buffer the adjacent neighbourhoods from the City's busiest transportation corridor. South of Wellington Crescent the project abuts a commercial strip and is separated from the nearest housing by a park and the forensic lab. North of the river, where the project will generate the least activity, the entire block is zoned for existing and future commercial development.

Zoning approval is the first of several hurdles the applicant must cross in order to bring this project to fruition. Should Council approve the rezoning, the applicant will have 2 years to register the Zoning Agreement. Baring this, the applicant must either reapply for rezoning or request Council to extend the time limit. Regarding the Conditional Use and Zoning Variances, if approved, the applicant will have 2 years from the date of the Orders to take out a development permit. Baring this, the Orders will automatically terminate, and the applicant must reapply to establish the conditional use and zoning variances.

The Planning and Land Use Division believes that the project should be allowed to proceed as a worthy postscript to a time when rail lines and bridges replaced cart paths and river fords on the way to becoming, for better or worse, the major determinant of Winnipeg's urban form and spatial organization in the latter part of the 19th century. Now, in the 21st century, rail industry rationalization is presenting unique opportunities for using abandoned rights-of-way, marshalling yards, and related plant in ways that will enhance the urban environment. Notable examples from Winnipeg include the Forks redevelopment in the CN East Yards and the designation of the abandoned Hart Line in Charleswood as a segment of the Trans-Canada Trail. The condos-on-the-bridge component of the current proposal presents an opportunity to showcase a unique and innovative adaptive re-use project. Beyond the interest it will generate within the general public, the project will receive national and international exposure across the fields of urban planning, architecture, heritage preservation, eco-design and green building technology and construction. Ultimately the market, and not the rezoning process, should determine whether or not the project succeeds. It is widely believed that Winnipeggers should promote and celebrate the kind of homegrown vision, creativity and determination represented by this project.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 235/04, attached hereto and dated, July 5, 2000, to a "C2" Commercial 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 apply to the subject lands plus contiguous lands owned by the applicant, being Parcel "A" Plan 42731, to provide for the following:

1. That the use of the land be limited to the following:
   - artisan, crafting of custom products
   - dwelling units
   - medical, dental, optical, counseling or other health or therapeutic clinic
   - museum/art gallery
   - professional offices
   - retail sales/service, personal service permitted under C2, maximum floor area of 1,500 square feet
   - reducing salon, health spa, steam bath, tanning salon or similar
   - restaurant
   - cocktail lounge
   - studio

2. That the use of the bridge be limited to residential development including live-work units.

3. That, prior to the issuance of a development permit, detailed plans showing the site layout, access, parking, loading, building elevations and materials, landscaping, fencing, garbage enclosures, exterior lighting, pedestrian access and signage be submitted for the approval of the City Centre Community Committee.

4. That, prior to the issuance of a development permit, a detailed engineering report outlining the proposed servicing for the development be prepared to the satisfaction of the Director of Water and Waste.

5. That no development permit be issued for buildings on the lands between Academy Road and Wellington Crescent until such time as a traffic access plan is submitted for the approval of the Standing Committee on Public Works.

II. That the applicant enter into a Servicing Agreement to provide for the following:

1. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wellington Crescent right-of-way across the subject property as illustrated on the attached Figure PR00-18, dated April 1, 2000, to the satisfaction of the Director of Public Works.

2. That the Developer provide and legally open, at no cost to the City, property required for the extension of the Wolseley Avenue West right-of-way across the subject property as illustrated on the attached Figure PR00-17, dated April 1, 2000, to the satisfaction of the Director of Public Works.

3. That the Developer provide and legally open, at no cost to the City, property required for a widening to the Academy Road right-of-way as illustrated on the attached Figure PR00-19, dated April 1, 2000, to the satisfaction of the Director of Public Works.

4. That the Developer be required to pay his share of the cost of the watermain and combined sewer in Academy Road on the basis of the current Local Improvement rates.

5. That the Developer pay all costs associated with the reconstruction or relocation of the Wellington Crescent pathway, as determined by the Director of Planning and Development.

III. That a 10 per cent 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 the market value of the land.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

V. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. 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.

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

VIII. That the City Solicitor be instructed to draft a by-law authorizing construction of building(s) on a former railway bridge structure spanning the Assiniboine River as required under Section 159(3) of The City of Winnipeg Charter.

IX. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

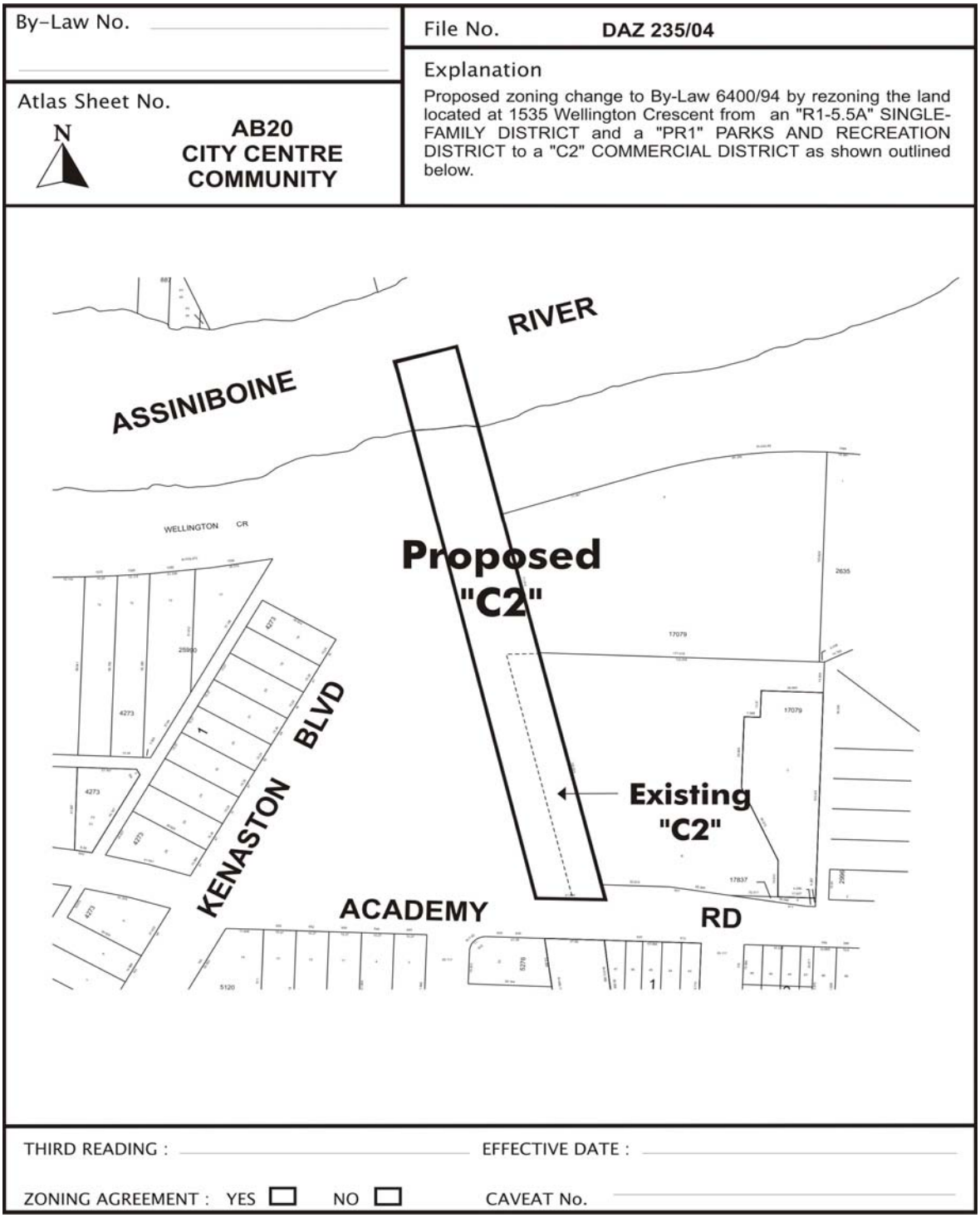

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 235/04, dated July 5, 2004.

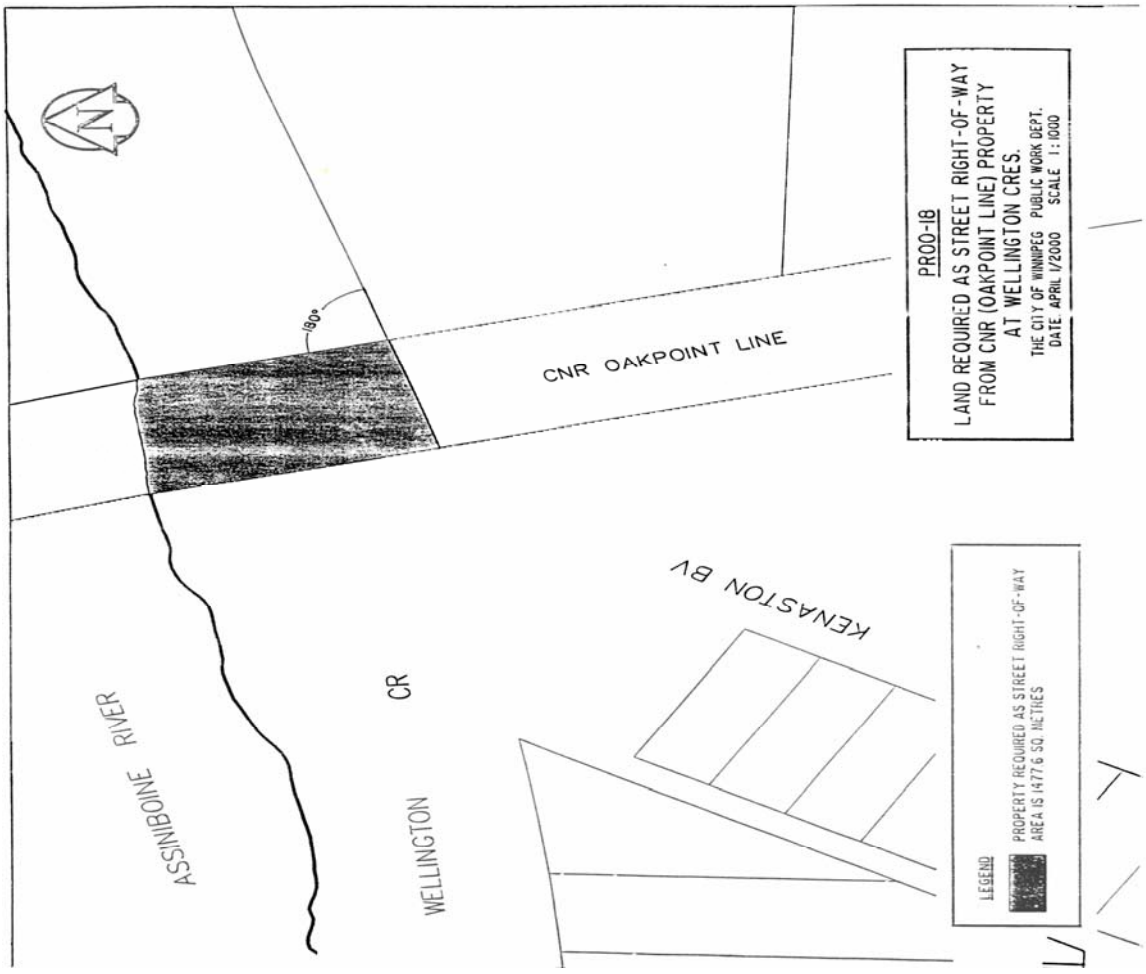

Figure 2: Schedule "B" to the report to the City Centre Community Committee for file No. DAZ 235/04, dated April 1, 2004.

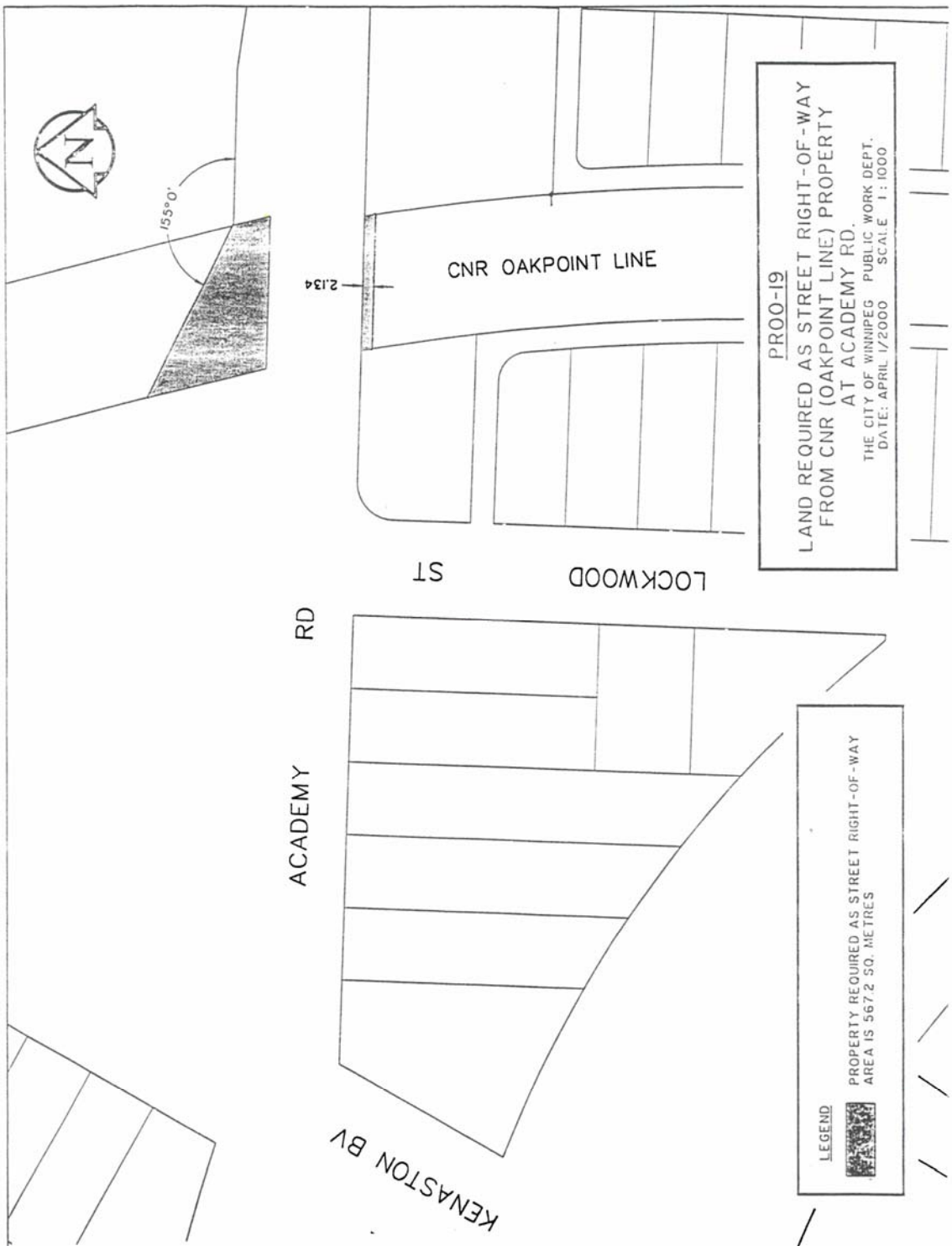

Figure 3: Schedule "C" to the report to the City Centre Community Committee for file No. DAZ 235/04, dated April 1, 2004.

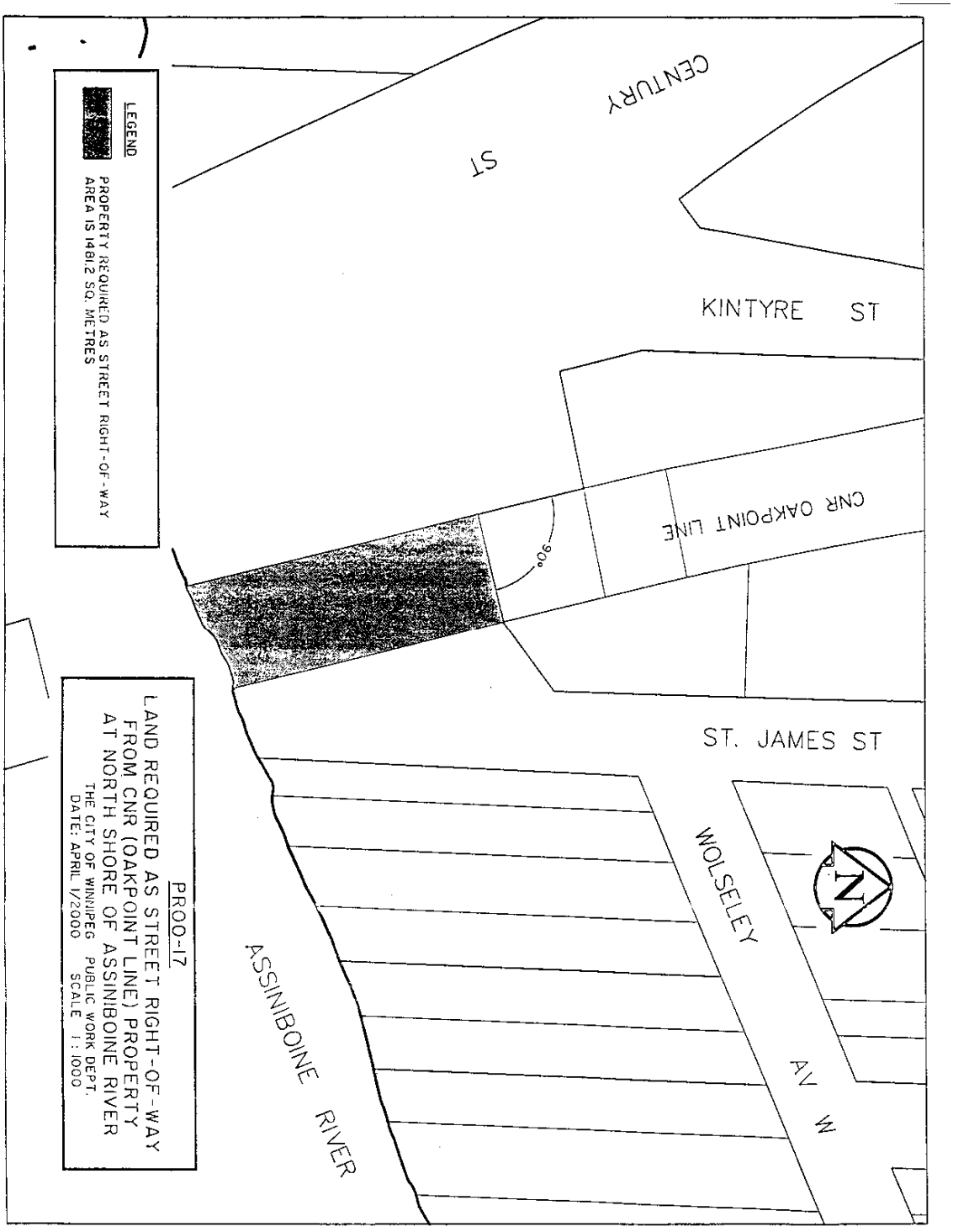

Figure 4: Schedule "D" to the report to the City Centre Community Committee for File No. DAZ 235/04, dated July 13, 2004.


PORTAGE AV
CENTURY ST
RICHMOND WY
WELLINGTON
WELLINGTON CR
ASSINIBOINE
RIVER
ASSINIBOINE
RIVER
ACADLEY RD
FULHAM PL

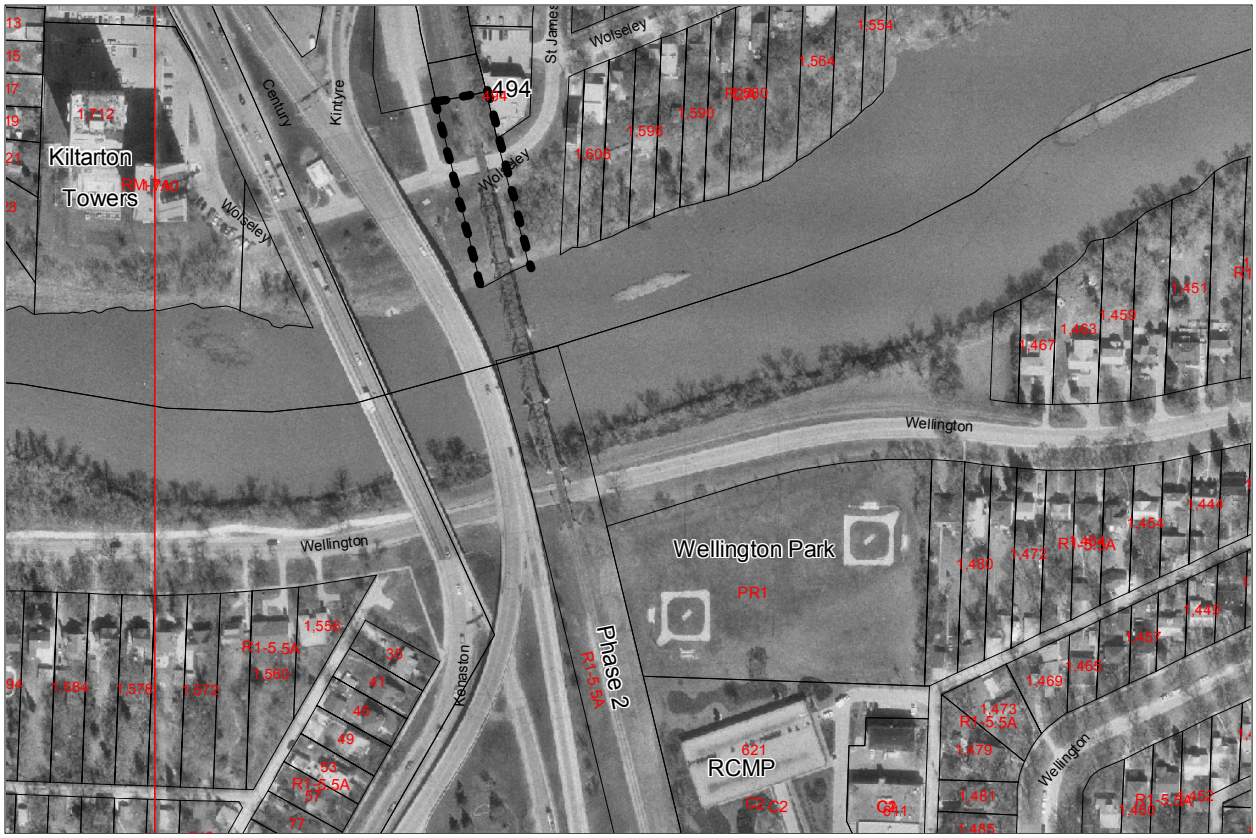

Figure 5: Community Context air photos.



Figure 6: Air Photo showing north half of bridge.

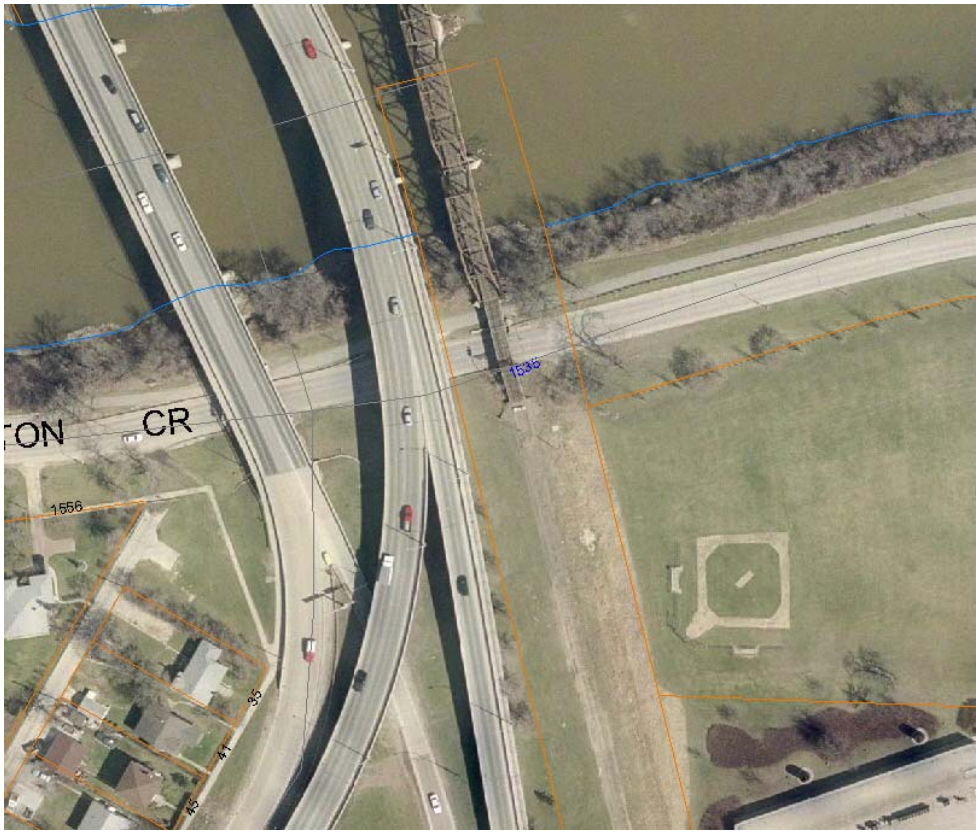

Figure 7: Air Photo showing south half of bridge.



Figure 8: Looking south from St. James Bridge.



Figure 9: Looking north from St. James Bridge opposite middle of rail bridge.



Figure 10: Looking southeast from St. James Bridge towards Wellington Crescent.



Figure 11: Looking east along Wolseley Avenue West from St. James Bridge towards 1610 Wolseley AW.



Figure 12: Looking NE from mid-point of bridge towards river properties along Wolseley AW.



Figure 13: Bridge from Wellington Crescent