Re: Zoning Variance 05 129773/D for the lands lying to the north-east of 50 Dunkirk Drive

For submission to: Executive Policy Committee

Original report signed by: Director of Planning, Property and Development

Report date: October 3, 2005

Recommendation(s):

A) That the " PR-2" district regulations of Zoning By-Law No. 6400/94 be varied:

i) for the establishment of proposed parcel plan of survey (Parcels E, F & G) to permit no vehicular access to a public street;

ii) for the establishment of an accessory parking area for an existing golf course (Parcels E, F & G) to permit as follows:
   a) no front yard instead of 20 feet (6.10 metres);
   b) no west side yard instead of 20 feet (6.10 metres);
   c) no light-proof fence and no landscaping abutting a public street (Dunkirk Drive), and;

B) That the proposed "RM-3" district regulations of Zoning By-law No. 6400/94 for the construction of a multiple family dwelling for seniors, to be varied to permit an east side yard of 23.86 feet (7.27 metres) instead of 24.95 feet (7.60 metres), be approved with the following condition:

1. That, if any variance granted by this Order is not established within two (2) years of the date hereof of this Order, in respect of that Variance shall terminate.

REPORT SUMMARY

Key Issues:

- All of the major bulk regulations (height, yards, area coverage) for a multiple family development of this type have been met. The one requested east side yard variance for the proposed new building is minor in nature. All three requested variances under the PR-2 regulations reflect the current situation and setbacks for the existing golf course parking area.

Implications of the Recommendation(s):

General implications:

- [X] **None**
- [ ] **For the organization overall and/or for other departments**
- [ ] **For the community and/or organizations external to the City of Winnipeg**
- [ ] **Involves a multi-year contract**

Comment(s):

-

Policy implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Environmental implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Human resources implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Financial implications:

- [X] **Within approved current and/or capital budget**
- [ ] **Current and/or capital budget adjustment required**

Comment(s):

-

REASON FOR THE REPORT:

Pursuant to the City of Winnipeg Charter, Executive Policy Committee is the designated hearing body responsible for Plan Winnipeg.

Sections 227 and 278 of the City of Winnipeg Charter provide that hearings required in respect of an amendment to Plan Winnipeg may be combined with another hearing. Since the proposed amendment (By-law 131/2005) is running concurrently with an application for rezoning and subdivision (DASZ 16/05), Executive Policy Committee will consider the Plan Winnipeg Amendment and subdivision and rezoning application, and accompanying variance, at the October 12, 2005 hearing.

HISTORY:

The former Winnipeg Canoe Club building and adjacent recreation facilities at 50 Dunkirk Drive have been the subject of several unsuccessful revitalization initiatives over the years. Failed attempts to revitalize the facility led to the eventual Council decision to declare the site surplus to the City's requirements of December 12, 2001. Subsequently, the Director of Planning, Property & Development issued a Request for Proposals for the purchase and redevelopment of the property.

In February 2004, following an unsuccessful Request for Proposals for the purchase and redevelopment of the property, Council instructed that the Director of Planning, Property & Development be authorized to proceed with a Public Invitation for Offer to Purchase for the site.

In April 2004, the property was marketed for sale and offers were received until June 25, 2004. The successful proponent understands that the following conditions must be met:

1. Amending Plan Winnipeg to permit multi-family residential development;
2. Rezoning of the lands to RM3 "Multiple Family District" to permit development of a 120 unit "Assisted Living" seniors residence;
3. Obtaining a demolition permit which will enable the purchaser to demolish the existing buildings;
4. Obtaining a building permit to enable the proponent to construct the proposed development.

The subject variances are required in conjunction with the rezoning of the lands to a Multiple Family District (condition #2).

DISCUSSION:

Proposed Development

The applicant Caleb Group, has proposed to rezone and subdivide a three (3) acre portion of the subject Canoe Club property from its current 'PR-2' Parks and Recreational designation to an 'RM-3' Multiple Family designation. At the center of the site (subject parcels A, B, C, and D) the applicant proposes to construct a four (4) story senior's complex with a total of 120 units. Adjoining parcels E, F and G will be retained by the City for golf club parking and as partial access to the existing condominiums already in place along the river.

Neighbourhood Context

Existing Land Use and Zoning
The site is currently zoned "PR-2" Parks and Recreation District and is occupied with tennis courts, a parking lot , swimming pool ,and the old Canoe Club facility which lies adjacent to the river. The site overall is approximately 6.6 acres, 3 .6 acres of which will be retained by the City and remain zoned "PR-2". The adjoining golf course is owned by the City but is currently under lease to a private individual.

Surrounding Land Use and Zoning
North: To the immediate north is a well established single family neighbourhood zoned R1-5 Residential.

East: To the east is Dunkirk Drive, a major thoroughfare connecting the St. Vital area with Osborne Street and the downtown. Further to the east is a portion of the golf course and older well established neighbourhoods similarly zoned R1-5 Residential.

South: To the immediate south is an existing multiple family condo complex constructed fifteen years ago and zoned RM-2 Multiple Family. Also immediately adjacent to the south are the golf course buildings and the old tennis courts which are scheduled to be removed and possibly relocated should the proposed development be endorsed.

West: To the west is the Red River.

Development Analysis and Issues

Under the current proposal, the applicant will be consolidating four adjoining parcels of land (A, B, C, and D) as outlined on the accompanying maps and rezoning those parcels from a "PR-2 "zoning category to an "RM-3" Multiple Family category in order to construct an assisted living facility for seniors. Three other parcels, E, F and G are to retained by the City for purposes of a parking area for the existing golf course and will also constitute part of the right-of-way access to existing condos lying adjacent to the river. These aforementioned parcels will remain zoned "PR-2" Parks and Recreation District. The remaining lands along the river (parcel H) will similarly be

retained by the City as public reserve and will have pedestrian access to it via Dunkirk Place. One of the variances requested is required because referenced parcels E, F and G are technically landlocked. However a new cross access agreement which is pending will provide access across the front of their future property. Additional variances are required to legitimize the front and side yards which currently exist for the golf course parking area and will continue to be in place under the newly proposed overall site development plans. Generally speaking, the plans for the new seniors facility are in compliance with all bulk regulations for a multiple family development of this type. However, one minor variance for an east side yard is required which, in our view, will not have any adverse effect on adjoining property owners. The final variance which requests relief from having to provide fencing and landscaping along Dunkirk Drive is deemed to be acceptable given the level of landscaping being provided on the interior of the site. There is simply not adequate space to provide and maintain a landscaped area along the Dunkirk Drive frontage.

Recommendation and Criteria for Approval

Considering the application in the context of section 247(3) of the City of Winnipeg Charter Act, it is recommended that the proposed variance be approved because of the following:

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

Financial Impact Statement Date: September 27, 2005

COMMENTS:

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

"Original signed by"
Mike McGinn, CA
Manager of Finance

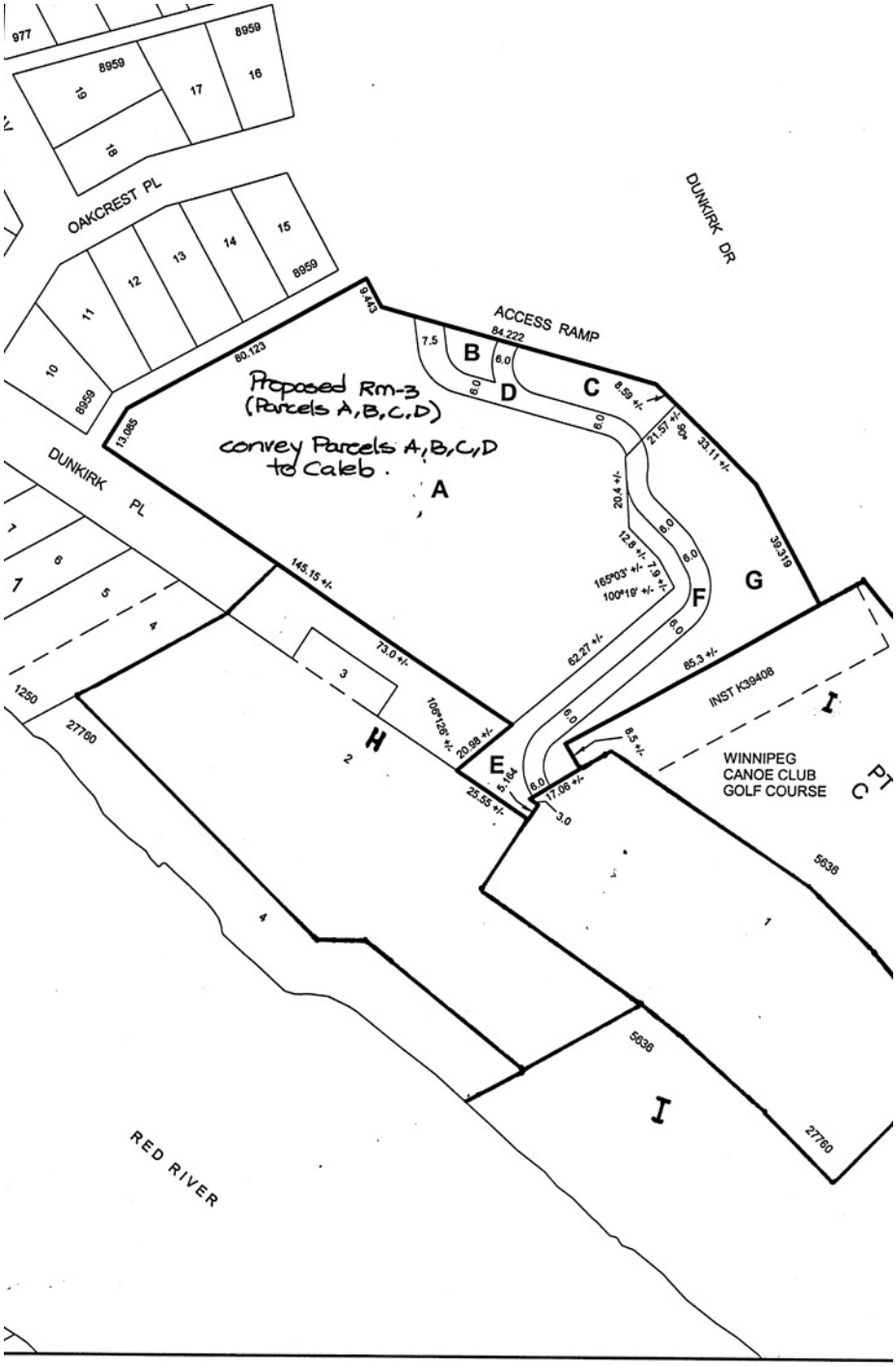
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

- Real Estate Division-Planning , Property and Development

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: Kevin Lalor
PPD File #: DAV 05 129773/D

O:/Reports Directive/Planning and Land Use/Urban Planning Reports/2005 Reports/Variance 50 Dunkirk Drive



Subject City Property
Parcel A, B, C and D = 12,137 sq.m. +/- sold to Caleb
Parcel E, F and G = 3849 sq.m. +/- City owned land.

Date: 2004-APR-13
District: RIEL
File: 7611 / H (Vol 2)
Scale: 1:1500
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

METRIC

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 4750 / 26