Agenda – Council – December 14, 2005

Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 9 Rezoning - 333 Maryland Street
File DAZ 224/2005

STANDING COMMITTEE RECOMMENDATION:

On December 7, 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 submits the following to Council:

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 224/2005 dated October 21, 2005, from a "RM-7" Multiple-Family District to a "C2" Commercial District.

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 the 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 rezoning by-law and forward same to Council for all three (3) readings.

5. 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 - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 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 November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 333 Maryland Street**
File DAZ 224/2005 [c/r DAV 129973/2005D]

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

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

Report date: **November 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the City Centre 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 shown on Schedule "A", for File DAZ 224/2005 dated October 21, 2005, from a "RM-7" Multiple-Family District to a "C-2" Commercial District.

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5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. There is a community need for this development.

2. The concern raised with parking problems is something that can be resolved without interfering with the application.

PUBLIC HEARING SUMMARY

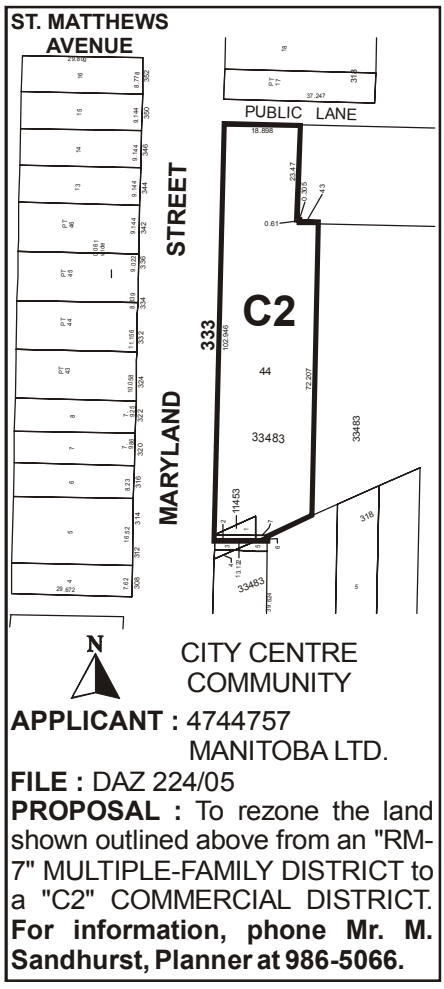
File: DAZ 224/2005 [c/r DAV 129973/2005D]

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

Public Hearing: November 1, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: 4744757 Manitoba Ltd. (Mike Bowers)

Subject:



Premises Affected: 333 Maryland Street

Exhibits Filed:

1. Application dated September 12, 2005
2. Notification of Public Hearing dated October 3, 2005
3. Manitoba Status of Titles 1965207, 1965208, 1965209 and 1965210
4. Surveyor's Building Location Certificate and sketch dated June 2, 1998
5. Drawings of subject property (5 pages)
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated October 21, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Mike Bowers
Bev Monkman-Campbell

In Opposition

P. Gordon Partridge
Lynne Somerville
Richard Thiessen

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Mike Bowers, 4744757 Manitoba Ltd., accompanied by Bev Monkman-Campbell, appeared in support of the application and gave a brief overview of the proposal.

Ms Monkman-Campbell stated the application to rezone was needed in order for the facility to be licensed making them eligible for funding. She also stated that the facility was to be a home away from home for persons requiring medical attention.

In response to the Committee's questions, the Senior Planner stated that the facility was to be a residential institution permitted under the "C2" Commercial District, while under the current "RM-7" Multiple-Family District a conditional use.

Richard Thiessen appeared in opposition to the application.. Mr. Thiessen stated he was the immediate neighbour and had concerns with the lack of parking and the use of the emergency vehicle access lane as a loading zone. He also stated that numerous efforts had been exhausted to rectify the present problem with both concerns and that the application would magnify the problem.

Lynne Somerville appeared in opposition to the application. Ms Somerville stated concerns with parking and motorists not respecting the on-street parking restrictions. She also stated concerns with the lack of an outside common area and fencing for the safety of patients.

In rebuttal, Ms Monkman-Campbell stated that there was a strong need in the community for the residential institution, the other tenants occupying space in the building were in existence prior to the purchase of the building, and the parking concerns were something that could be resolved.

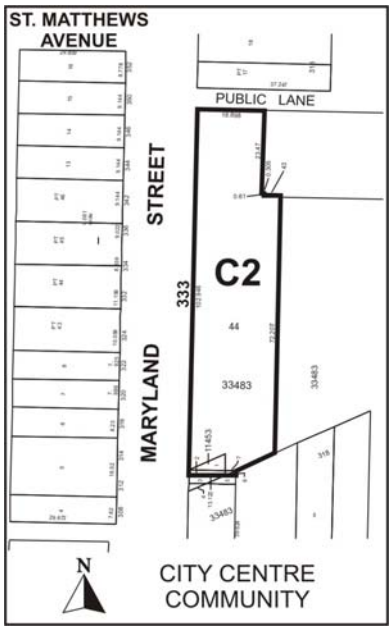
Exhibit "7" referred to in File DAZ 224/2005 [c/r DAV 129973/2005D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: October 21, 2005
File: **DAZ 224/05**
Related Files: DAV 05-129973/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-7" Multiple-Family District to a "C2" Commercial District to allow a Residential Institution with associated commercial uses.
Location: 333 Maryland Street
Legal Description: Lot 1 / 2, Plan 11453; Lot 44, Plan 33483



Applicant: 4744757 Manitoba Ltd.
Owner: 4744757 Manitoba Ltd.

Recommendation: *Approved*

Site Description

The subject site is located on the east side of Maryland Street, north of Portage Avenue. It's currently developed with a 4-storey commercial building, occupied by a variety of office and residential uses. The property is currently zoned "RM-7" Multiple-Family District. It's adjacent

to the Lions Manor (to the east) and shares a parking facility (to the north). Surrounding land uses include a variety of commercial and residential. Surrounding zoning includes commercial ("C2") and multiple-family residential ("RM-4", "RM-7").

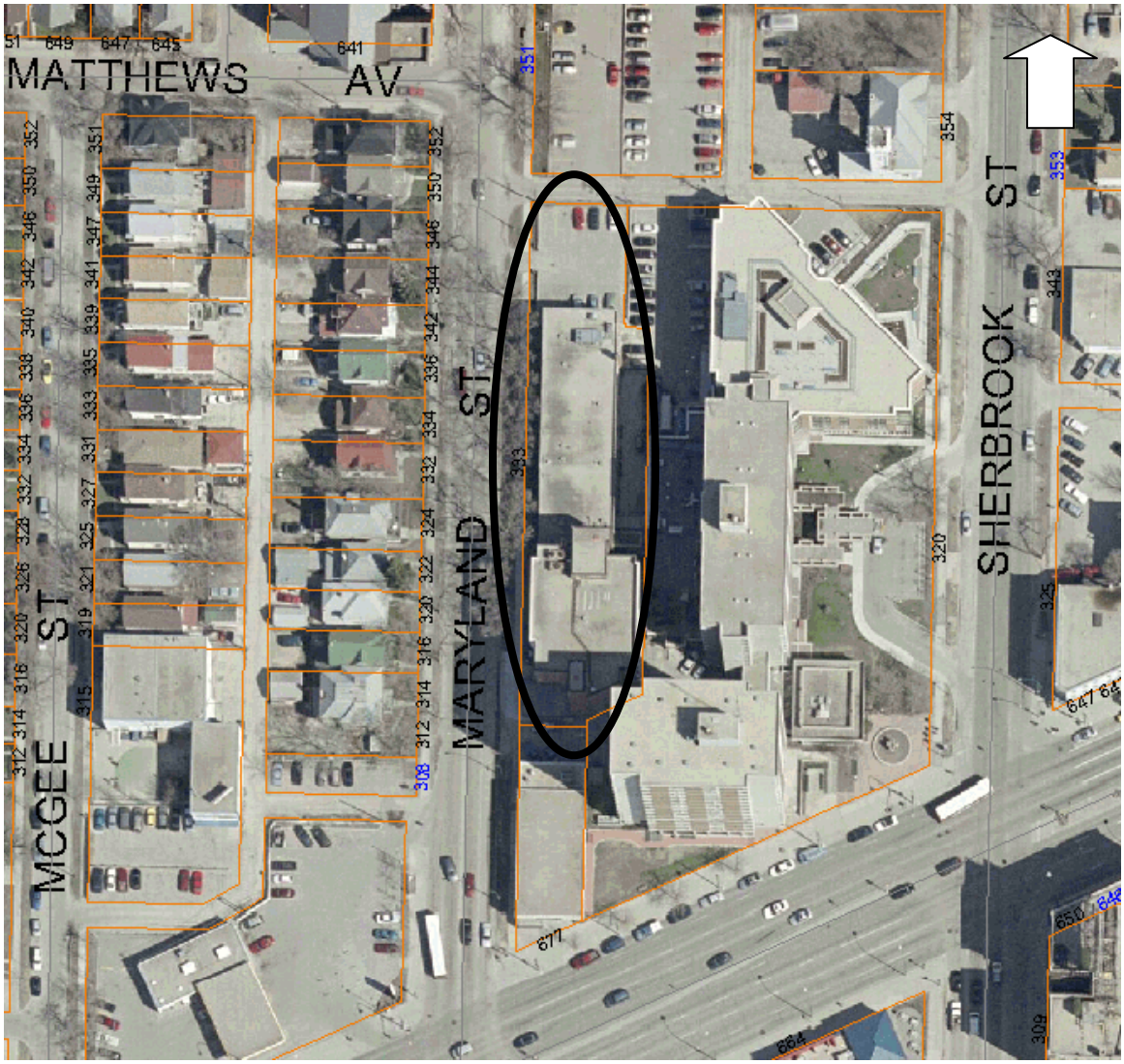


Figure 1: Subject Site (Aerial Photograph Flown 2002)

Background

In August, 1998, an application to rezone this property—from "C2" to "RM-7"—was before City Centre Community Committee. This proposal (DAZ 229/98) included the conversion of the vacant (former Worker's Compensation) building into residences for alzheimer patients.

Description of the Proposed Development

The applicant intends to establish a Residential Institution (addictions rehabilitation) and in-house pharmacy on the 3rd floor, with offices on the 4th floor of the existing building. No expansion of or addition to the existing building is proposed. The related variance application (DAV 05-129973/D) recognizes existing building site dimensions, site area, and building setbacks.

Analysis
This portion of Maryland Street is designated "Neighbourhood" under *Plan Winnipeg*. The subject site lends itself to mixed-use development such as currently exists and as proposed by the applicant. The existing building was initially constructed to house office and commercial uses. Subsequent internal redevelopment has resulted in a mixed-use building with a good mix of residential and supportive commercial uses.

Recommendation
The Planning and Land Use Division recommends approval for the following reasons:
- The proposal is consistent with *Plan Winnipeg*;
- The subject site is a suitable location for a mixed-use development.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 224/05, attached hereto and dated October 21, 2005, to a "C-2" Commercial District.

II. That a ten (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.

III. 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.

IV. 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 (3) readings.

V. 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: M. Sandhurst
PPD File #: DAZ 224/05

5094

Schedule "A"

By-Law No. _____

File No. **DAZ 224/05**

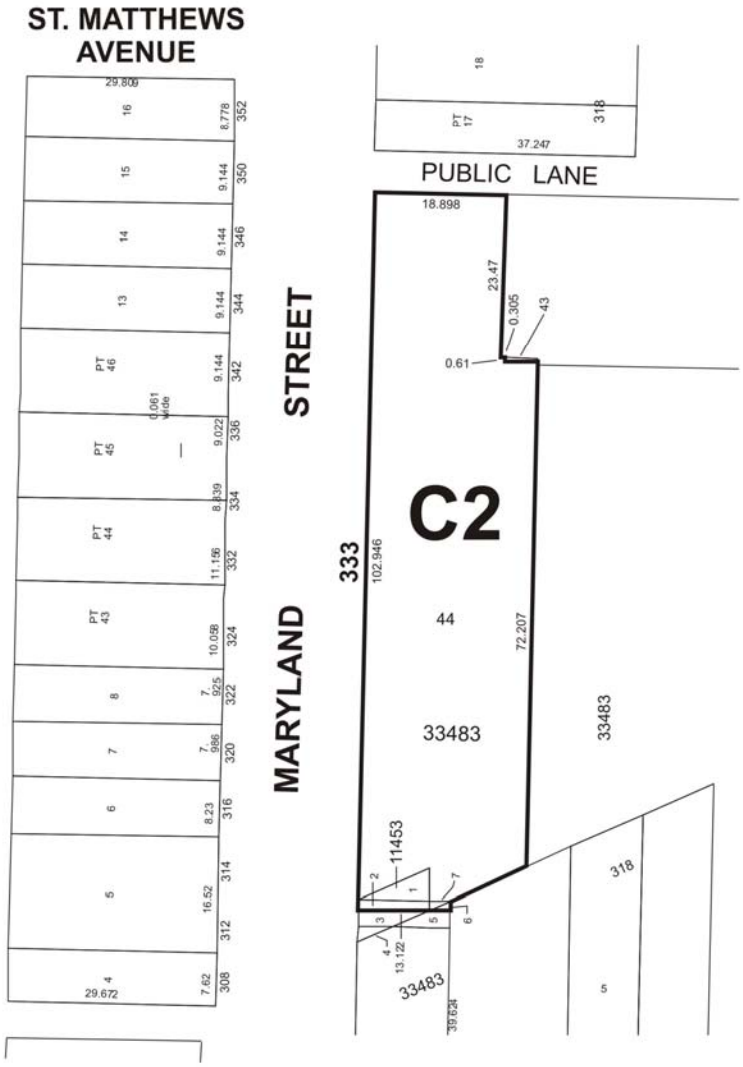
Atlas Sheet No.

N

AA23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 333 Maryland Street from an "RM-7" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 224/05 dated October 21, 2005.