Agenda - Council - December 6, 2006

Report - Standing Policy Committee on Property and Development - November 14, 2006

Item No. 5 Subdivision and Rezoning - 188 Worthington Avenue
File DASZ 37/2006

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 37/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2006 dated September 13, 2006, to an "RM-5" Multiple Family District.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development - November 14, 2006

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 - November 14, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 29, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 14, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 188 Worthington Avenue**
File DASZ 37/2006 [c/r DAV 148742/2006D and DCU 148743/2006D]

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

Prepared by: **Diane Timmins, A/Clerk,**
Riel Community Committee

Report date: **September 28, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2006, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 37/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2006 dated September 13, 2006, to an "RM-5" Multiple Family District.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

8. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 13, 2006.

2. The Riel Community Committee believes the proposed expansion of the Riverside Lions facility will address a shortage of seniors' housing in St. Vital.

3. The Riel Community Committee does not believe the expansion of the existing facility will lead to a traffic issue for the residents of Worthington Avenue.

PUBLIC HEARING SUMMARY

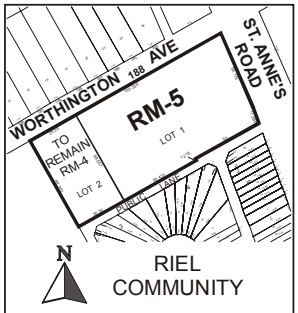
File: DASZ 37/2006 [c/r DAV 148742/2006D and DCU 148743/2006D]

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

Public Hearing: September 19, 2006
Council Building, 510 Main Street

Applicant: LM Architectural Group (Vince Kwiatkowski)

Subject:



APPLICANT : LM ARCHITECTURAL GROUP
FILE : DASZ 37/06
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LM ARCHITECTURAL GROUP
N° DE RÉFÉRENCE : DALZ 37/06
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie RM-5 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 188 Worthington Avenue

Exhibits Filed:

1. Application dated August 29, 1006
2. Notification of Public Hearing dated August 28, 2006
3. Manitoba Status of Title 1204789
4. Letter of authorization dated June 27, 2006 from Henry Van Der Ley, President, Riverside Lions Seniors Residences Inc. to LM Architectural Group
5. Caveat No. 83 39766 dated April 22, 1983
6. Drawing of subject property
7. Plans (2 pages)
8. Site Plans (5 pages)
9. Report from the Planning and Land Use Division dated September 13, 2006
10. Inspection Report
11. Notice of information meeting distributed to area residents, submitted at the public hearing by Stan Puchniak, in support of the application
12. Notice to Homecare Workers, and communication dated September 15, 2006 to the Winnipeg Community & Long Term Care Authority from Riverside Lions, submitted at the public hearing by Stan Puchniak, in support of the application

REPRESENTATIONS:

In Support:

Len Anderson
Howard J. Elliott
George Kernaghan
David Kressock, LM Architectural Group
Vince Kwiatkowski, LM Architectural Group
Andy Moffat
Stan Puchniak
Henry Van Der Ley

In Opposition

Brian Machdanz

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Stan Puchniak, Vice President of Riverside Lions Corporation, accompanied by Vince Kwiatkowski and David Kressock, LM Architectural Group, appeared in support of the application. Mr. Puchniak provided Committee with background information with respect to the construction of the Riverside Lions facility in 1988, and the subsequent need for an assisted care facility to house early staged dementia alzheimer patients, which in 2004, Riverside Lions, agreed to undertake. Subsequent thereto, Riverside Lions Corporation retained the services of LM Architectural Group for the proposed development. Committee was advised that prior to the public hearing, notices were distributed to area residents residing around the facility, to advise them of the proposed development and to invite them to an informational meeting. A copy of the notice, filed as Exhibit 11 was submitted by Mr. Puchniak. The informational meeting revealed that parking on Worthington Avenue was of concern to the residents. After looking into the problem, it was determined that homecare workers coming to Riverside Lions to service the needs of the elderly and handicapped, were parking their vehicles on Worthington Avenue. In an effort to address this problem, Mr. Puchniak commented that a notice to the homecare workers, which he submitted, filed as Exhibit 12, was distributed requesting them to park in the rear parking lot of the facility rather than on Worthington Avenue. In addition thereto, Mr. Puchniak submitted a communication dated September 15, 2006 forwarded to their supervisor, the Winnipeg Community & Long Term Care Authority, also filed as Exhibit 12, requesting the homecare workers to refrain from parking on Worthington Avenue and to park in the designated parking stalls at the rear of the facility or in the Glenlee Community Centre parking lot. In this connection, Mr. Puchniak advised Committee of the fact that the Glenlee Community Centre was contacted to advise them of their proposed addition and when advised of the situation of the homecare workers parking on the street, Mr. Puchniak stated the Community Centre did a neighbourly thing and offered the use of their parking lot to homecare workers during the day. Mr. Puchniak expressed the opinion they have addressed the concern of the residents as best they can, and noted there is sufficient underground parking for their tenants and visitor parking at the rear of the building. Mr. Puchniak also noted that the rezoning and subdivision application was necessary because of the mortgage lender, the Assiniboine Credit Union, wanting a first mortgage on the proposed new building.

David Kressock, with the aid of drawings, provided Committee with an overview of the proposed addition and indicated it was oriented so as to have the parking at the rear of the facility. Mr. Kressock noted that the height of the building was reduced by two and a half feet to match the existing five-storey structure. The new addition will have seventy-eight (78) units that will be monitored and will be connected to the existing structure by a covered walkway to allow for interaction between the two buildings. Mr. Kressock also noted there will be a substantial amount of landscaping on the property so as to better fit into the residential neighbourhood. In

answer to Councillor Steeves' question, Mr. Kressock stated there will be a total of ten personnel on duty in the proposed new addition; four (4) administrative and six (6) kitchen staff.

Brian Machdanz, appearing in opposition, advised Committee that he resides on Worthington Avenue and represents eight (8) people who live on Worthington Avenue who could not attend the public hearing. Mr. Machdanz questioned the number of residents on Worthington Avenue who were canvassed and stated he was aware of five (5) or six (6) residents on either side of him who were not contacted. He advised Committee that he was not notified of the information meeting and questioned why Riverside Lions would consider holding a meeting on a Friday night during the summer when a lot of people are away on vacation. In answer to Councillor Steeves' question as to what he thought of the proposed development now that he has been provided with information, Mr. Machdanz responded there is a traffic problem in the area and expressed concern the traffic problem would increase with the new addition, especially with only a few additional parking spaces being provided and given the fact that vehicles from Riverside Lions would still have to go down Worthington Avenue. Mr. Machdanz also noted that when Riverside Lions was first constructed, the residents were told there would be green space in the development, which will be reduced with the proposed addition.

In rebuttal, Stan Puchniak stated they did carry out public consultation even though they were not able to canvass all of the residents on Worthington Avenue inasmuch as many were not in when they called. In this connection, Mr. Puchniak stated they were successful in visiting approximately 40% of the residents in the immediate vicinity. He reiterated the belief that the parking situation on Worthington Avenue would be addressed, and that the notice to the homecare workers will be effective in not having cars parked on Worthington Avenue. Mr. Puchniak also commented that inasmuch as the facility is for low income persons, many do not own cars that would be travelling down Worthington Avenue. In answer to Councillor Steeves' question, Mr. Puchniak responded that regrettably, not many visitors come to the existing building each day to visit tenants.

Exhibit "9" referred to in File DASZ 37/2006 [c/r DAV 148742/2006D and DCU 148743/2006D]

Winnipeg

Planning, Property and Development Department Report

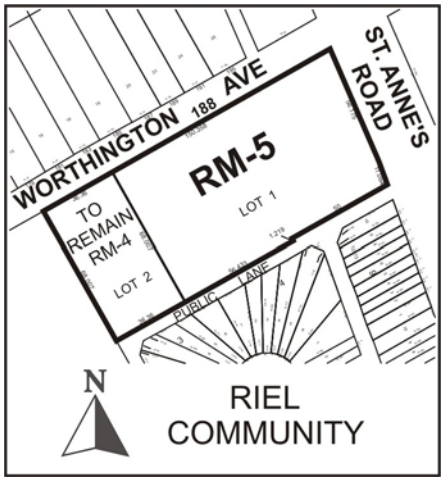
To the Riel Community Committee

Date: September 13/2006
File: DASZ 37/06
Related Files: DCU 06 148743/D , DAV 06 148742/D

Subject: A subdivision and a rezoning of part of the subject property to an "RM-5" Multiple Family category is required to both facilitate construction of a new adjoining nursing home component and allow for a reduction in lot area for the existing 130 unit Senior's facility.

Location: 188 Worthington

Legal Description: Lot 1 , Plan 17302



Applicant: **LM Architectural Group**

Owner: **Riverside Lions**

Recommendation: (Approved with Conditions)

Site Description



The overall site area is approximately 2.3 acres in total. The existing structure occupies two thirds of the site and is oriented towards the north and Worthington Street. There is no direct access to St. Anne's Road but some surface parking lies at the rear of the building along the laneway. There is a large low density multiple facility lying adjacent to the south zoned 'RM-L' Multiple. To the immediate west is a long established community center owned and operated by the City of Winnipeg and to the north along Worthington are single family homes zoned 'R1-5' Single Family. Zoned 'C2' Commercial businesses occupy the nearby corner at St. Anne's Road.

Description of the Proposed Development

Currently, a large senior's complex occupies the subject site. The two most easterly wings of the facility are seven stories high; the west wing is just five stories high. The bulk of the parking is underground and the entire site is zones RM-4 Multiple Family. Riverside Lions is proposing to construct a much needed assisted living component on the most westerly third of the property which will be linked (by enclosed walkway) to the existing structure and will be a maximum five stories in height. The new facility will however, by way of the proposed subdivision process , be under separate title on a separate parcel of land . The smaller parcel, upon which will be built the assisted care facility will be able to retain the current 'RM-4' zoning. The land upon which rests the existing facility, will , because of the subdivision, be marginally reduced in size and will require at least an 'RM-5' zoning to meet the density requirements under By-Law 6400/94. Extensive new landscaping is planned for the area separating the two buildings and in the buffer area between the new facility and the existing community center adjoining to the west.

Analysis

The existing facility has been in place for many years and is , in our view, appropriately sited with direct access to a major thoroughfare and bus linkages. There are also new and diverse shopping facilities just one block south and a community center within walking distance. The Lions Manor has some surface parking along the rear of the building off the public lane. It shares use of that laneway with the residents of a low density multiple family facility immediately to the south. It is becoming more common for established seniors facilities to incorporate a new assisted care component to their existing operation. By doing so, long time tenants of the facility, have the option of remaining in the same complex as their health requirements change. The applicants, have endeavored to design the new facility, in such a way, that it is generally in scale with existing west wing of the older structure. The Planning Division fully supports the proposed expansion and the creation of two separate lots for the reasons outlined below.

Recommendation

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

- The proposed new structure is of reasonable scale and will be compatible with the existing Lions facility and the adjoining neighbourhood.
- The nature of the proposed use (a personal care home) suggests that there will be minimal increase in traffic generation.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 37/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 37/06, attached hereto and dated September 13/06, for registration in the Winnipeg Land Titles Office.

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

III. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 37/06, attached hereto and dated September 13/06, to an "RM-5" Multiple Family District.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites, (if applicable).

V. 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.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. 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: Kevin Lalor
PPD File # 517

By-Law No. _____

File No. **DASZ 37/06**

Atlas Sheet No.

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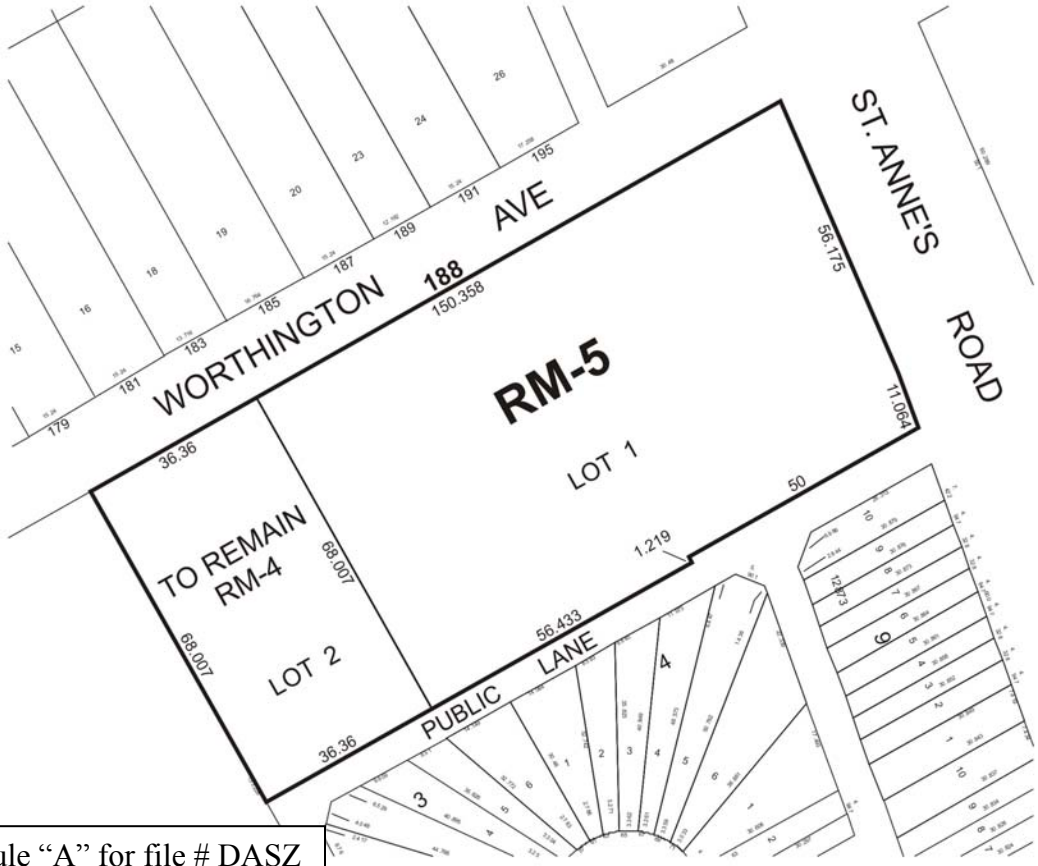
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 188 Worthington Ave from an "RM-4" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for file # DASZ 37/2006, Riel Community Committee, dated September 13/2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____