Minute No. 695
Report - Standing Policy Committee on Property and Development - October 2, 2007

Item No. 9 **Subdivision and Rezoning - 645 and 649 Bannatyne Avenue**
File DASZ 27/2007 [c/r DAV 138460/2007D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 27/2007 not be proceeded with.

Report - Standing Policy Committee on Property and Development - October 2, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee that the application for subdivision and rezoning under File DASZ 27/2007 not be proceeded with, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee that the application for subdivision and rezoning under File DASZ 27/2007 not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation that the application for subdivision and rezoning under File DASZ 27/2007 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Subdivision and Rezoning - 645 and 649 Bannatyne Avenue (Point Douglas Ward) File DASZ 27/2007 [c/r DAV 138460/2007D]**
For submission to:	**The Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**September 26, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 27/2007 not be proceeded with.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 1, 2007.

2. The Lord Selkirk-West Kildonan Community Committee agreed with the residents' concerns that the two existing residences, which are occupied, should not be demolished for a surface parking lot, that would negatively impact the adjacent residential properties and the surrounding residential community.

PUBLIC HEARING SUMMARY

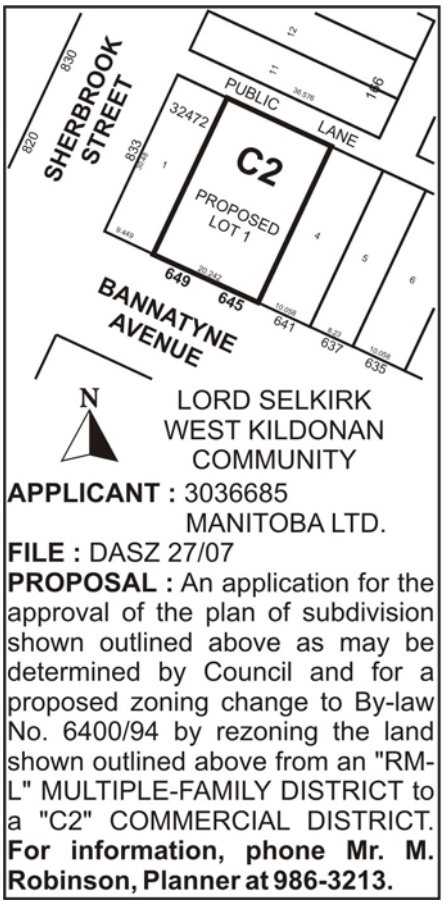
File: DASZ 27/2007 [c/r DAV 138460/2007D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: September 18, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: CanadaDrugs.Com (Troy Harwood-Jones)

Subject:



Premises Affected: 645 and 649 Bannatyne Avenue

Exhibits Filed:

1. Application dated July 12, 2007
2. Notification of Public Hearing dated August 2, 2007
3. Manitoba Status of Titles 1464537 and 1983529
4. Letter of authorization dated May 31, 2007 from 3036685 Manitoba Ltd. to Troy Harwood-Jones, on behalf of CanadaDrugs.com
5. Surveyor's Building Location Certificate and sketch dated April 17, 2007
6 Plans (2 pages)
7. Report from the Planning and Land Use Division dated September 1, 2007
8. Communication dated September 15, 2007, from Gabor Vamos, A Flower Affair, in opposition to the application
9. Inspection Report

REPRESENTATIONS:

In Support:

Troy-Harwood-Jones, on behalf of Canada Drugs.Com
Paul Dawson
Kevin Sweryd

In Opposition:

Jeff Bergen
Rowena Callahan
Catherine Collins
Fred Curry
Daniel Ellingsen
Richard Gagnon
Chad Giesbrecht
Pamela Hilderman, Aikins, MacAulay, Thorvaldson, on behalf of Jeff Bergen
Grant Wilem MacDonald
Leon Martin
Harold Martinos
Fred Petrash
Gabor Vamos, A Flower Affair

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Troy-Harwood-Jones, on behalf of Canada Drugs.Com, appeared in support of the application and stated non-concurrence in the administrative recommendation that the application not be approved. He indicated that approval of the application would address a need for parking in the area and allow the community to grow and thrive. In this connection, specific reference was made for additional parking for Madonna Pizza located at 837 Sherbrook Street, as well as the need to service the shops along Sherbrook Street by the provision of additional parking for its customers. He commented that the proposed surface parking lot would provide twenty-four (24) additional parking stalls for the area and noted that the parking lot would be surfaced with asphalt and not gravel, thereby encouraging potential customers to stop and shop.

Kevin Sweryd, owner and President of Bardal Homes, also appearing in support of the application, stated concurrence in Mr. Harwood-Jones' comments with respect to the need for additional parking in the area. He indicated he strongly supports this proposal, which would result in twenty-four additional parking spaces for the businesses of the area, and noted that he is consistently asked by businesses in the area for the use of his parking lot, located at the rear of his Funeral Home business, which can accommodate up to one hundred (100) vehicles. Mr. Sweryd expressed the opinion that the proposed parking lot would improve the area far more than the two (2) existing residential houses.

Pamela Hilderman, Aikins, MacAulay, Thorvaldson, appeared in opposition to the application, on behalf of Jeff Bergen, owner of 641 Bannatyne Avenue. She advised Committee that, if approved, the parking lot would be located in the front of her client's front window and have the following adverse effects, namely; noise issues, increased crime, snow clearing equipment issues, and declining property values. Ms Hilderman also drew Committee's attention to comments contained in the report of the Planning and Land Use Division with respect to the concern raised by the West Alexander Neighbourhood Association relative to the proliferation of surface parking lots and their negative impact in the following ways:

(a) They are seen as a visual detriment to adjoining properties and the area as a whole
(b) They put pressure on adjacent residential properties to decline in maintenance
(c) They slowly erode the residential component in the neighbourhood.

Ms Hilderman reiterated that this application was not consistent with Plan Winnipeg,would not be in the best interests of the residents in the surrounding area, and should therefore not be approved.

Daniel Ellingsen, also appeared in opposition to the application, and advised Committee that he is the property owner of 609 Bannatyne Avenue and a Board member of the West Alexander Neighbourhood Association. He put forward the following reasons why the application to rezone the subject property for the parking lot should not be approved, namely:

1. There are a lot of children living in the two blocks where the parking lot is being proposed and expressed concern for their safety;
2. There is an abundance of parking in the area and a lot of empty parking spaces;
3. There is a need to maintain the residential character of the neighbourhood and it would not be a benefit to the residential community to demolish two houses that are inhabited and in fairly good shape for a parking lot.

Mr. Ellingsen questioned why the applicant did not consult the area residents on his parking lot proposal prior to the public hearing.

Grant MacDonald also appeared in opposition to the application and stated that he resides on Bannatyne Avenue. He put forward the opinion there are a lot of pedestrian customers from the Pizza Shop and Flower Shop, thereby negating the need for more parking for those businesses. Mr. MacDonald was of the view there was ample parking in the area and did not believe that twenty-four more parking spaces would make a difference.

Richard Gagnon, also appeared in opposition to the application and advised Committee that he has been a resident on Bannatyne Avenue for thirteen years and a member of the West Alexander Neighbourhood Association. He noted that the two properties in question are in the same block that he resides on, and he questioned why they would be demolished when they are in good shape? Mr. Gagnon was of the view the rezoning of the subject properties to "C2" would be detrimental to the neighbourhood and that it was vital to maintain the integrity of the residential neighbourhood.

Catherine Collins, also appeared in opposition to the application, on behalf of the McDermot-Sherbrook Residents Association, Inc., and advised Committee that she has lived in the presence of looming parking lots for a number of years. She agreed that a "C2" zoning designation is a very permissive zoning and stated concurrence with the previous persons in opposition that the "C2" zoning would be detrimental to the residential neighbourhood and asked Committee to concur in the recommendation of the Planning and Land Use Division and deny the application.

Harold Martinos, also appeared in opposition to the application, and stated it would be wonderful if a secondary plan existed for this area that would guide Committee on proposals of this kind. Mr. Martinos stated the opinion that the proposal for a parking lot is merely one of economics and suggested that consideration should be given to converting the two homes on the subject properties into student housing, and expressed concern relative to the ripple effect in the area of the demolition of these two houses.

Chad Giesbrecht, also appeared in opposition to the application, and stated he is the owner of 635 Bannatyne Avenue, two houses down from the subject properties. Mr. Giesbrecht advised Committee he did not want to have CanadaDrugs.Com as a neighbour and put forward the opinion that the surface parking lot would only bring eleven additional parking spaces inasmuch as thirteen parking spaces could already be accommodated on the subject properties.

Fred Curry, also appearing in opposition to the application, advised Committee that he is an associate member of the West Alexander Neighbourhood Association. Mr. Curry was of the view it is surprisingly easy to find parking in the area. He stated that the notion of convenient parking for patrons of the Health Sciences Centre is erroneous and that the twenty-four additional parking spaces proposed will not be convenient to patrons of the Health Sciences Centre.

In rebuttal, Mr. Harwood-Jones made the following comments:

1. The values of the residential properties by the introduction of a commercial enterprise will not be affected. He reiterated that the parking lot will be a benefit and not a detriment to the area.
2. He disputed the fact that no attempt was made to contact the local neighbourhood inasmuch as the City was asked with respect to process at the time the application was submitted, and the applicant was always open to any suggestions.
3. The application for "C2" zoning is misleading as the subject application is for twenty-four parking spaces only.

In summation, Mr. Harwood-Jones requested Committee, in the event it felt it could not support this proposal, to consider options, including an adjournment of the public hearing to a later date.

Exhibit "7" referred to in File DASZ 27/2007 [c/r DAV 138460/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **September 1, 2007**
File: **DASZ 27/07**
Related Files: **DAV 138460D**
Subject: **Application to amend By-Law 6400/94 by subdividing and rezoning the land shown below from a "RM-L" Multiple-Family District to a "C2" Commercial District, for the purpose of establishing a surface parking lot**

Location: **645 & 649 Bannatyne Avenue**

Legal Description:



Applicant: **Canada Drugs.com (Andrew Harwood Jones)**

Owner: **3036685 Manitoba Ltd.**

Recommendation: **Denial**

Site Description

The subject property, which is currently zoned "RM-L" Multiple-Family Residential, is located on Bannatyne Avenue, between Sherbrook and Furby Streets, in the West Alexander neighbourhood of the Point Douglas ward.

North: Commercial use zoned "RM-L" Multiple-Family Residential
South: Office use zoned "C2" Commercial
East: Residences zoned "RM-L" Multiple-Family Residential
West: Commercial uses zoned "C2" Commercial

Description of the Proposed Development

The applicant is proposing to demolish two existing residences, which are occupied, and to convert the properties into a surface parking lot.

In light of the fact that non-accessory parking lots are not permitted in residential areas, the applicant has applied to rezone the land to "C2" Commercial.

Analysis

The Planning & Land Use Division has significant concerns with this application, which will result in the demolition of existing housing stock and replacement with a surface parking lot.

Neighbourhood Goals and Objectives

The Centennial/West Alexander Secondary Plan is currently being drafted by the Planning and Land Use Division. As part of this plan development process, the West Alexander Neighbourhood Association has been consulted at length and asked to identify key challenges and threats to the neighbourhood.

One of the major issues identified by the West Alexander Neighbourhood Association was the proliferation of surface parking lots and their negative impact in the following ways:

- They are seen as a visual detriment to adjoining properties and the area as a whole
- They put pressure on adjacent residential properties to decline in maintenance
- They slowly erode the residential component in the neighbourhood

Parking Demand

There will continue to be a demand for parking around the Health Sciences Centre and consequently, it is likely that there will continue to be pressure to convert properties to surface parking lots.

With that said, the Planning and Land Use Division believes that parking should be managed in a way which causes the least amount of impact to the adjacent residential area. This involves taking a comprehensive approach to the issue and working with institutions to find long-term solutions which will enhance both the health campus and the neighbourhood which surrounds it.

This approach is exemplified by the new Tecumseh Street parkade (currently under construction), which will result in 1300 additional parking stalls for the Health Sciences Centre.

It is also exemplified by the recent Bannatyne Street parkade (opened in 2006), which created 500+ new parking stalls for the University of Manitoba.

These examples illustrate that there are alternatives to surface parking lots – to accommodate parking for the health campus.

Recommendation

In conclusion, the Planning and Land Use Division recommends that this application be rejected for the following reasons:

- It is not consistent with the following Plan Winnipeg policies:
  - Policy 1C-01 Facilitate Provision of Safe and Affordable Housing
  - Policy 3A-01 Promote Orderly Development
  - Policy 3A-02 Promote Compact Urban Form
  - Policy 3B-01 Promote Vibrant Neighbourhoods
  - Policy 3B-05 Promote Commercial Densification
  -
- A parking lot will have an adverse impact on adjacent residential properties

- New surface parking lots are not consistent with neighbourhood objectives identified in stakeholder consultation for the upcoming Centennial/West Alexander Secondary Plan

- There are more appropriate locations to accommodate parking for the health campus

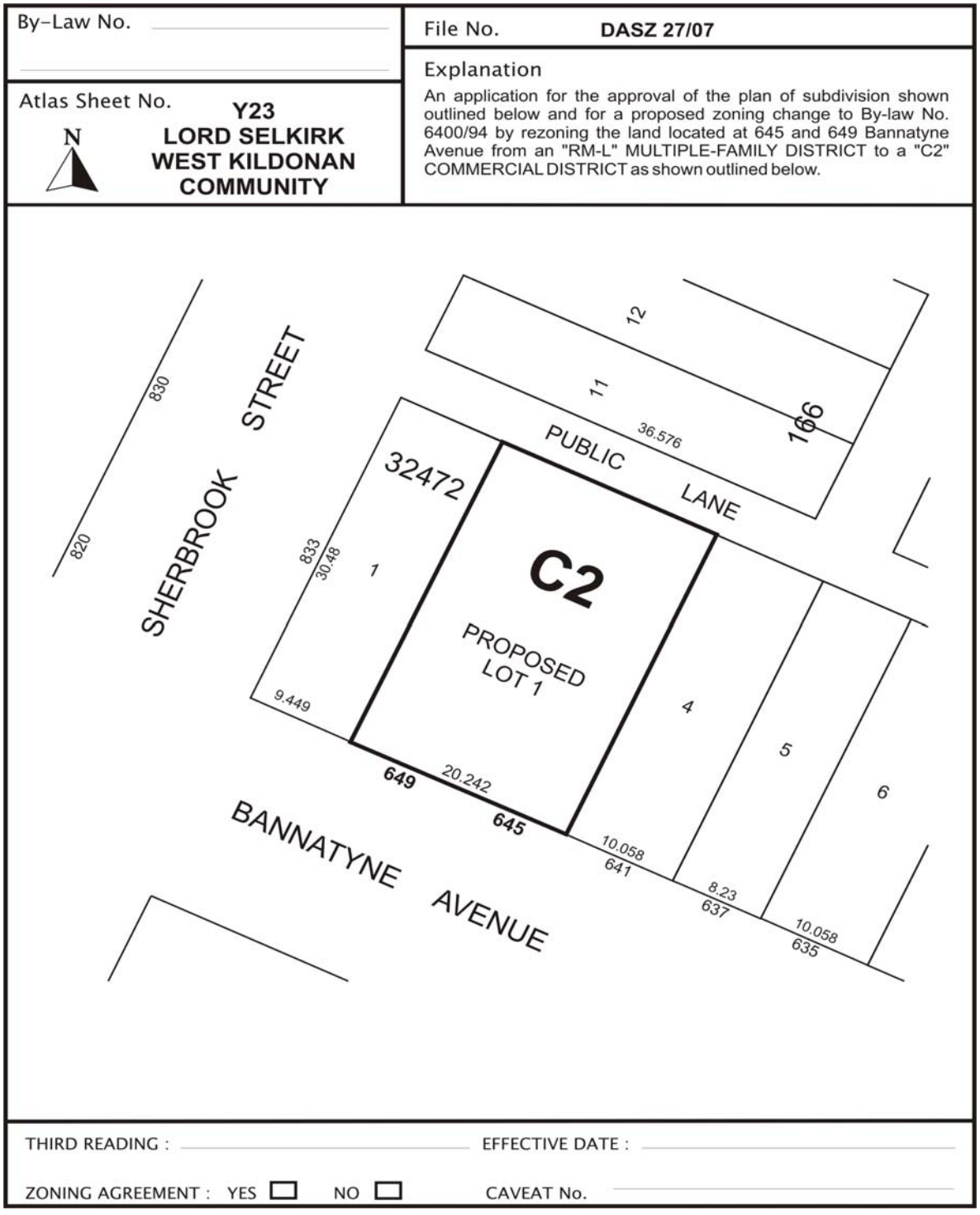
I. That file DASZ 27/07, as shown on Schedule "A" attached hereto, and dated September 1, 2007 to a "C2" Commercial District **NOT BE PRECEDED WITH**.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 27/07

Schedule "A"

Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 27/2007, dated August 1, 2007.



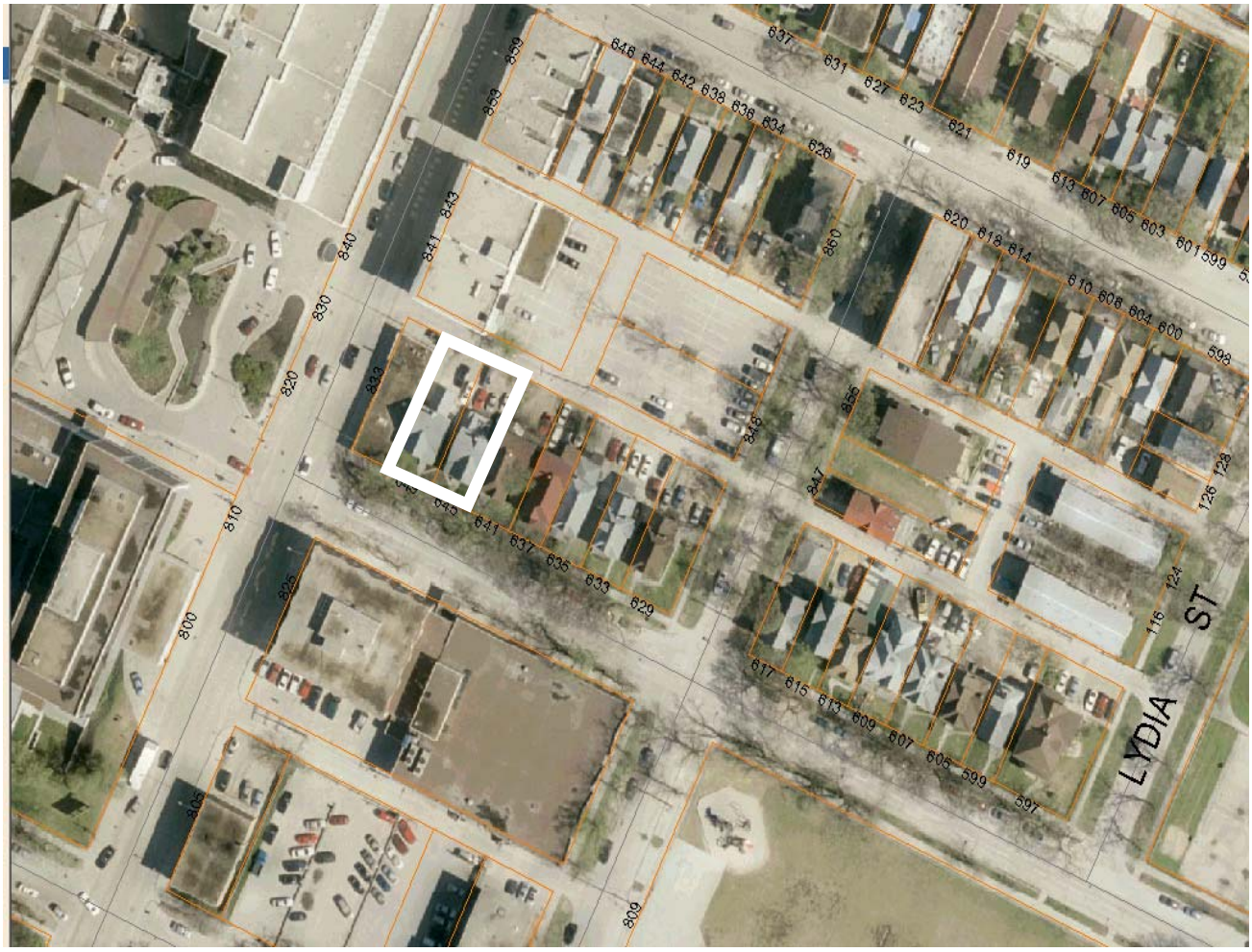


Figure 1: Aerial Photo (Flown in 2005)