Minute No. 112
Report - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 5 Subdivision and Rezoning – 146 Magnus Avenue (Mynarski Ward) File DASZ 23/2009 [c/r DCU 143329/2009D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 23/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 10, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the plan of subdivision be amended so that the easterly 1.373 metres (4.5 feet) of Proposed Lot 1 are opened as a right-of-way to widen the Public Lane at the eastern limit of said lot.

    B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group dated September 30, 2009.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" dated September 10, 2009, to "C1" Commercial Neighbourhood District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That final plans, showing the locations and designs of all buildings, private approaches, parking areas, fencing, landscaping, pathways, garbage enclosures, signage and site lighting, shall be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any building or development permit, and thereafter all to be established in substantial conformity with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – December 3, 2009

COUNCIL DECISION (continued):

ii. That the following are not permitted as principal uses of the subject land:
   a. post office/carrier depot
   b. hotel or motel
   c. animal hospital or veterinary clinic
   d kennel
   e. restaurant
   f. office
   g. retail sales or
   h. contractor's establishment.

iii. That the following are not permitted as accessory uses of the subject land:
   a. micro-brewery/ distillery/winery or
   b. wireless communication, building-mounted tower.

iv. That the following principal uses of the subject land are deemed to be conditional uses:
   a. day care centre
   b. hostel
   c. personal services (unless otherwise listed in the Principal Use Table of By-law 200/2006) and
   d. medical/dental/optical/ counselling clinic.

v. That admitting or receiving of clients to the subject land between 10:00 p.m. and 6:00 a.m. is not permitted.

vi. That deliveries to the subject land between 10:00 p.m. and 6:00 a.m. are not permitted.

vii. That all exterior, non-directional illuminated signage must be turned off between 10:00 p.m. and 6:00 a.m..

viii. That the total gross floor area of buildings on the subject land must not exceed 90,000 square feet.

ix. That the bulk requirements in the Winnipeg Zoning by-law No. 200/2006 for the "RMF-S" District apply to the subject land. Upon application by the Developer, these requirements may be varied in accordance with the City's variance approval process.

Report - Standing Policy Committee on Property and Development – December 3, 2009

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 market value of the land.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date of the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Acting 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 – December 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2009, the Lord Selkirk-West Kildonan Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation due to a tie vote.

On October 13, 2009, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 10, 2009, at 5:00 p.m. in the Council Building, 510 Main Street, to allow the applicant to hold a public consultation forum and respond to any questions or concerns regarding the subject proposal, with an invitation to surrounding area residents as well as the Senior Planner for the Lord Selkirk-West Kildonan Community.

RE: **Subdivision and Rezoning - 146 Magnus Avenue**
File DASZ 23/2009 [c/r DCU 143329/2009D]

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

Prepared by: **Inga Skundberg, Clerk**
Lord Selkirk-West Community Committee

Report date: **November 13, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2009, the Lord Selkirk-West Kildonan Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation.

PUBLIC HEARING SUMMARY

File: DASZ 23/2009 [c/r DCU 143329/2009D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan

Public Hearing: November 10, 2009
October 13, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Ian Krochak

Subject:



Premises Affected: 146 Magnus Avenue

Exhibits Filed:

1. Application dated September 1, 2009
2. Notification of Public Hearing dated September 9, 2009
3. Title Search(s) 1265852, 1375106, 1375107, 1375108, 1375112, 1375113, 1375166, 1375699, 1375704, 1375707, 1375708, 1822336, 1822342 and 1822343
4. Letter of authorization dated August 10, 2009 from The Sharon Home Inc. to Ian Krochak
5. Surveyor's Building Location Certificate and sketch dated July 15, 2009
6. Plan
7. Report from the Planning and Land Use Division dated September 10, 2009
8. Communication dated October 1, 2009, from Larice Sych enclosing a copy of a letter dated October 1, 2009 addressed to the Honourable Kerri Irvin-Ross, Minister of Healthy Living, in opposition to the application
9. Communication dated October 2, 2009, from Alvin Crozier enclosing a copy of a letter dated October 1, 2009 addressed to the Honourable Kerri Irvin-Ross, Minister of Healthy Living, in opposition to the application
10. Petition in opposition to the application purporting to contain the signatures of 291 area residents, submitted by Alvin Crozier at the public hearing held on November 10, 2009
11. Communication dated October 7, 2009 from Xenios Christopher Marckx in opposition to the application
12. "A Report on the Public Meeting" held on June 24, 2009 submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
13. Petition in support of the application purporting to contain the signature of 52 area residents, submitted by Ian Krochak, Executive Director, Magnus Centre Inc. at the public hearing held on November 10, 2009
14. Communication dated October 7, 2009 from Ian Krochak, Executive Director, Magnus Centre Inc., with respect to a proposed Pritchard Park Boat Plaza
15. Communication dated October 13, 2009 from Robert Wrublowsky, on behalf of MMP Architects, with respect to the application
16. Communication dated October 13, 2009 from Ted Bobier, in opposition to the application
17. Inspection Report
18. Notice of Adjournment dated October 14, 2009

19. Community Consultation Summary submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
20. Communication dated October 14, 2009, from Noel Cadelina in opposition to the application
21. Magnus Centre Inc. Executive Summary dated October 30, 2009 submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
22. Plans (2 pages) submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
23. Communication dated November 2, 2009, from Allen and Darlene Patterson in opposition to the application
24. Plan dated November 2, 2009 submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
25. Plans (4 pages) submitted by Ian Krochak, Executive Director, Magnus Centre Inc.
26. Communication dated November 4, 2009 from Xenios Christopher Marckx in opposition to the application
27. Communication dated November 3, 2009 from Larice Sych in opposition to the application
28. Revised report from the Planning and Land Use Division dated November 4, 2009
29. Communication dated November 8, 2009 from Mary Mathias, in support of the application
30. PowerPoint Presentation entitled “Magnus Centre Addictions and Co-occuring Mental Health Facility” submitted by Ian Krochak, Executive Director, Magnus Centre Inc. at the public hearing held on November 10, 2009
31. Communication dated November 10, 2009 from Richard Craig, Manager, Winnipeg Regional Health Authority, Capital Planning and Construction Department submitted by Tom Alston at the public hearing held on November 10, 2009
32. Communication in opposition to the application submitted by Xenios Christopher Marckx at the public hearing held on November 10, 2009
33. Audio Recording for public hearing held on November 10, 2009

REPRESENTATIONS:

In Support:

Tom Alston
Elaine Bishop
Tom Borody
Marina Clay, MMP Architects
Lin Conover
Richard Craig, Winnipeg Regional Health Authority
Jean Doucha
Chris DSouza
Jacques J. Gagne, Winnipeg Regional Health Authority
Laura Goossen
Barry Hammond and Mary Mathias
Peter Harzan
Roanna Hepburn
K. Kollinger
Ian Krochak
Jo-Ann Mullis
Rick Patane
Karen Peters
Ian S. Rabb
Melba Sanoffsky
Robin Scherbain
Herb Thompson
Robert Wrublowsky, MMP Architects

In Opposition:

Nelia Adatan
Nicole Bilodeau and Kenneth Friesen
Ted and Amy Bobier
Noel Cadelina
Alex Camargo
Alvin Crozier
Tom Dlugosz
Aurea Dumaua
Roger, Pam and Allison Grouette
Florencio Gutierrez
Brian Hayek
Doreen and Les Kee

Arnold Groot Koerkamp
Doug Klym and Jeanette Lavallee
Fred and Barb Landry
Xenios Christopher Marckx
Tirso AJ Marcelino
Roxanne Methot
Matt and Patrycja Mielczarek
Peter Morgan
Allen and Darlene Patterson
Gerry Prystai
Christal Siemens
Larice Sych
Paul Szurles
Kenneth and Louise Taylor

For Information:

Eileen Bagot
Mari Clarke
Harry Finnigan
Shaun Finnigan
Christopher Friesen
Robert Nicol
Les O'Neill
Karin Streu
Howard Warren
Wayne Whalen
Arlene Wilgosh

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "28" referred to in File DASZ 23/2009 [c/r DCU 143329/2009D]

REVISED ADMINISTRATIVE REPORT

ISSUE: DASZ 23/09 – 146 Magnus Avenue – Public Hearing

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	NA	NA	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 23/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 10, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan of subdivision be amended so that the easterly 1.373 metres (4.5 feet) of Proposed Lot 1 are opened as a right-of-way to widen the Public Lane at the eastern limit of said lot,

   B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group dated September 30, 2009.

2. That the Winnipeg Zoning By-law 200/2006 be amended by rezoning the subject land as shown on Schedule "A" dated September 10, 2009, to "C1" Commercial Neighbourhood District, subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That final plans, showing the locations and designs of all buildings, private approaches, parking areas, fencing, landscaping, pathways, garbage enclosures, signage and site lighting, shall be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any building or development permit, and thereafter all to be established in substantial conformity with said plans and maintained to the satisfaction of the Director of Planning, Property and Development;

ii. That the following are not permitted as principal uses of the subject land:
   a. post office/carrier depot,
   b. hotel or motel,
   c. animal hospital or veterinary clinic,
   d. kennel,
   e. restaurant,
   f. office,
   g. retail sales or
   h. contractor's establishment;

iii. That the following are not permitted as accessory uses of the subject land:
   a. micro-brewery/ distillery/winery or
   b. wireless communication, building-mounted tower.

iv. That the following principal uses of the subject land are deemed to be conditional uses:
   a. day care centre,
   b. hostel,
   c. personal services (unless otherwise listed in the Principal Use Table of By-law 200/2006) and
   d. medical/dental/optical/ counselling clinic;

v.. That admitting or receiving of clients to the subject land between 10:00 p.m. and 6:00 a.m. is not permitted;

vi. That deliveries to the subject land between 10:00 p.m. and 6:00 a.m. are not permitted;

vii. That all exterior, non-directional illuminated signage must be turned off between 10:00 p.m. and 6:00 a.m.;

viii. That the total gross floor area of buildings on the subject land must not exceed 90,000 square feet;

x. That the bulk requirements in the Winnipeg Zoning by-law No. 200/2006 for the "RMF-S" District apply to the subject land. Upon application by the Developer, these requirements may be varied in accordance with the City's variance approval process.

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 market value of the land.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date of the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Acting 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations in this report and in the report for Conditional Use Application DCU 09-143329D are implemented, a development permit can be issued for the redevelopment of the subject land into a neighbourhood rehabilitation home and a social service facility, subject to the recommended conditions of approval.

CONSULTATION

In preparing this report there was consultation with the Public Works and the Water and Waste Departments.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J. G. Doney
Date	November 4, 2009
File	DASZ 23/09

Schedules and Attachments

1. Schedule “A” for File No. DASZ 23/09, Lord Selkirk – West Kildonan Community Committee, dated September 10, 2009
2. Schedule “B” – Administrative Coordinating Group Servicing Agreement dated September 30, 2009
3. Attachment 1

Schedule "A"
for File DASZ 23/09, Lord Selkirk – West Kildonan Community Committee, dated September 10, 2009

By-Law No. _____

File No. **DASZ 23/09**

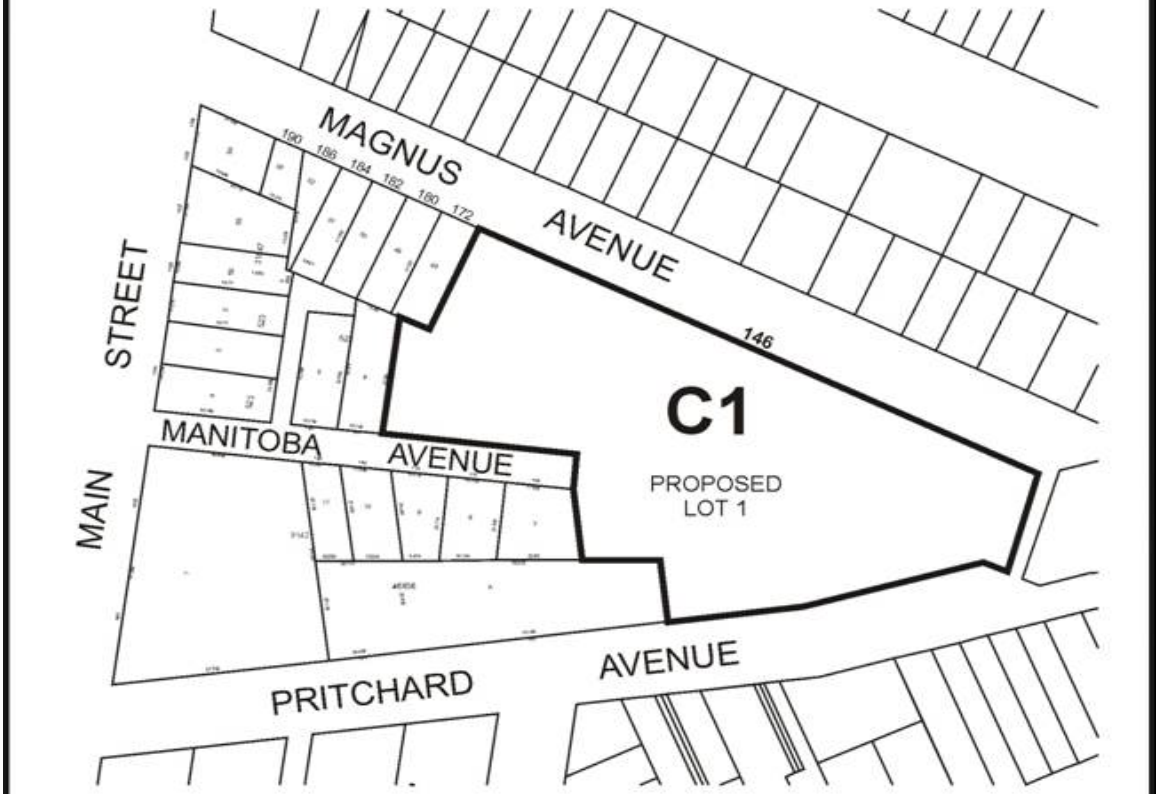
Atlas Sheet No. **X25**

N

LORD SELKIRK WEST KILDONAN 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. 200/2006 by rezoning the land located at 146 Magus Avenue from an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT and "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT including the consolidation of lots to allow for the establishment of a Neighbourhood Rehabilitation Home with a social service facility as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"
Report of the Administrative Co-Ordinating Group
Re: Proposed Subdivision and Rezoning Of Land at 146 Magnus Avenue – DASZ 23/09

It is recommended that the approval of DASZ 23/09 be subject to the following:

A. Plan Considerations

The Developer, at no cost to the City, providing, and legally opening as right-of-way, property required to widen the north-south Public Lane at the east limit of the Planned Area, from Magnus Avenue to Pritchard Avenue, by 1.373 m.

B. Servicing Agreement

The applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall remove the existing 90° parking on the north boulevard of Pritchard Avenue at the east limit of the property and restore the curb, boulevard, and sidewalk in this area, all as determined by, and to the satisfaction of, the Director of Public Works.

2. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors for this development until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

4. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

5. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with all surface works within City rights-of-way.

6. The Developer shall pay to the City $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

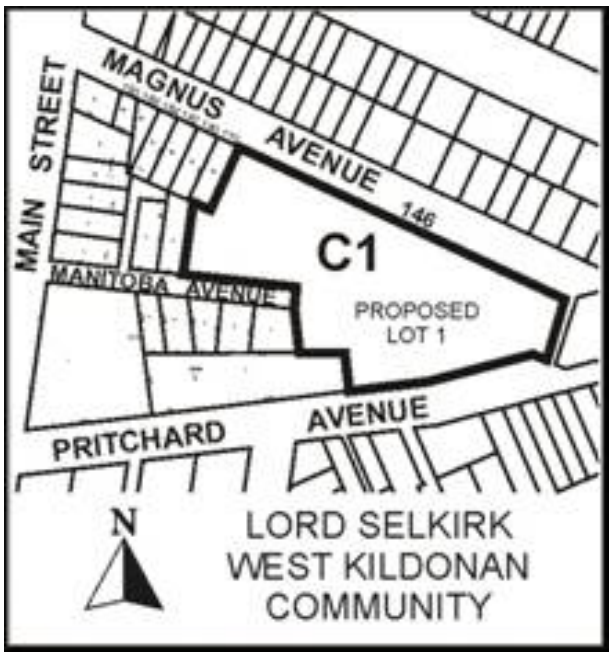
Administrative Co-ordinating Group
File No. DASZ 23/09
September 30, 2009

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

Attachment 1

Date	November 4, 2009
Related File	DCU 09-143329D
Subject	Application to rezone the subject lands from an "RMF-L" Residential Multi-Family District and an "R2" Two-Family Residential District to a "C1" Commercial District to construct a neighbourhood rehabilitation home and a social service facility.
Location	146 Magnus Avenue
Legal Description	LOT 7/9 PLAN 2306 39 ST J LOT 5/6 PLAN 9142 LOT 1 PLAN 9193 56 ST J LOT 44/47,57/62 PLAN 31547 39 54/6 ST J



Applicant	Ian Krochak
Owner	Magnus Centre Inc. The Sharon Home Inc.
Recommendation	Approval with conditions

Site Description

The subject land is approximately 2.3 acres and, as shown on Figure 1, is adjacent to Magnus, Manitoba and Pritchard Avenues. It is approximately 200 feet east of Main Street. The land is in the North Point Douglas Neighbourhood and the Mynarski Ward.

The subject land includes a building with a gross floor area of approximately 110,000 square feet, comprising several additions, portions of which range from two to five storeys, and two accessory surface parking areas. This was the Sharon Home, an assisted living facility for the elderly. It has been vacant since September 2008 except for one office in use since March 2009, on-site security services and the occasional use of some offices by a residents' committee.

Figure 1 shows that single-family dwellings, two-family dwellings, multiple-family dwellings, single-room occupancy dwellings, a vehicle repair/service shop that includes an outdoor storage compound, and a park are near the subject land. It also shows that one of the accessory parking areas is west of the building on the subject land and the other consists of parking directly off a public lane immediately east of the subject land. Off-site parking, accessory to the subject land, is directly off Pritchard Avenue and within the public street right-of-way.

In addition, a care home is less than 990 feet from the subject land.

Figure 2 shows that the subject land is partly in an "R2" Two-Family Residential District and partly in an "RMF-L" Residential Multiple Family District. It is adjacent to two "R2" Two-Family Residential Districts and an "M1" Manufacturing Light District. Other "R2" Districts are near the subject land.

The subject land is in an area designated Neighbourhood in *Plan Winnipeg 2020 Vision.*

Description of the Proposed Development

Site and Off-site Developments

The original administrative report, dated September 10, 2009, states that the development includes the demolition of most of the of the three-storey northeast wing of the principal building and may include a minor one-storey addition. It also states that the redeveloped building would have a gross floor area of approximately 63,000 square feet, which is more than 40 percent less than what is existing.

This information is incorrect and has been revised to accurately the proposed site redevelopment.

Based on the "Magnus Centre Inc. Executive Summary" dated October 30, 2009 and drawings submitted in association with that document (including Figure 3 of this report), the development includes:

- the demolition of the entire three-storey northeast wing of the principal building, which has a north facing entrance, as shown in the submitted drawing titled "Existing Site Plan" (undated);
- the construction of a north facing entrance and associated lobby and vestibule; and the reduction of the gross floor area of the building from 110,000 square feet to 87,000 square feet, which is a 21 percent reduction from the existing gross floor area.

It is noteworthy that the proposed gross floor area of 87,000 square feet was what was intended when the rezoning and conditional use applications were made. As previously stated, the 63,000 square foot gross floor area identified in the original report was incorrect.

The "Magnus Centre Inc. Executive Summary" dated October 30, 2009 and the site plan dated November 2, 2009 state and illustrate that:

- 25 new accessory surface parking spaces and two private approaches from Pritchard Avenue are proposed;
- the existing accessory surface parking directly off the public lane is to be removed;
- the existing surface parking within the Pritchard Avenue Public Street, which is directly off the roadway within that Public Street, is to be removed and replaced with a restored boulevard, except where the private approaches are proposed; and
- the existing Public Lane is to be widened.

The proposed removal of the parking directly off the Public Lane and the widening of that Public Lane and the removal of the parking within the Pritchard Avenue Public Street and its replacement with a restored boulevard (except where the private approaches are proposed), are all intended to be done in accordance with Public Works' requirements (stated in Schedule "B" of this report).

In addition, the "Magnus Centre Inc. Executive Summary" dated October 30, 2009 states that, if the proposed development proceeds, the Magnus Centre Board of Directors has committed to an investment of approximately $30,000 to change the Pritchard Boat Dock Plaza in terms of enhanced plantings and lighting. The plaza is in the park east of the subject land.

Proposed Uses

The development is to create an addictions and mental health services facility for adults. It would include residential programs with up to 78 beds and in-house and outreach services provided by community agencies. It is to operate at all hours, seven days per week and would employ approximately a total of 110 people with the peak shift hours from 7:30 a.m. to 4:00 p.m. Employee shift changes would likely be at 7:30 a.m., 3:30 p.m. and 11:30 p.m. Clients are not expected to arrive from approximately 9 p.m. to 7 a.m.

The facility's meeting and educational areas are to be available to community groups after hours.

In terms of the applicable zoning by-law – Zoning By-law 200/2006 – the proposed uses are "neighbourhood rehabilitation home" and "social service facility."

Lastly, the "Magnus Centre Inc. Executive Summary" dated October 30, 2009 states that, if the proposed development proceeds, special events and activities would be planned for the Pritchard Boat Dock Plaza.

Zoning

Presently, approximately 20,000 square feet of the subject land is in an “R2” District and the remainder, roughly 80,000 square feet, is in an “RMF-L” District. While a neighbourhood rehabilitation home is a conditional use, subject to use specific standards, in “R2” and “RMF-L” Districts, a social service facility is not allowed in either of these districts.

Therefore, the subject land must be rezoned to accommodate the social service facility. A social service facility is a conditional use in “C1” Districts but is a permitted use in “C2” Districts. In both of these districts, a neighbourhood rehabilitation home is a permitted use if it is more than 990 feet from another neighbourhood rehabilitation home or a care home. Given that a care home is less than 990 feet from the subject land, the proposed neighbourhood rehabilitation home is a conditional use.

The purpose of the “C1” Commercial Neighbourhood District is to accommodate small, compact commercial uses within, or surrounded by, residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. “C1” Districts are generally located along local streets or at local-collector intersections.

The purpose of the “C2” Commercial Community District is to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational and service facilities needed to support the surrounding neighbourhoods and the broader community. “C2” Districts are generally located along collector streets, at arterial-collector intersections, or along portions of arterial streets with relatively shallow lots.

These descriptions of the “C1” and “C2” Districts indicate that the “C2” District more accurately reflects the proposed uses. However, given that the subject land is near residential uses and that it is not adjacent to a major street, the nature of the “C1” District indicates that it is more compatible with the nearby residential uses and “R2” Districts.

Therefore, in terms ensuring that nearby uses are reasonably compatible, the “C1” District is more appropriate than the “C2” District.

Public Consultation

The “Magnus Centre Inc. Executive Summary” dated October 30, 2009 states that public consultation has been conducted on many occasions and through a variety of means, including door-to-door consultation, a public presentation and question and answer period, meetings with local residents and a public open house.

Analysis

Plan Winnipeg

Policy 3A-01, Promote Orderly Development states that the Neighbourhood designation signifies “areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.” To ensure that the development and the associated rezoning of the subject land are in accordance with Policy 3A-01, uses, hours of operation and building heights and setbacks must be restricted.

Policy 3A-02, Promote Compact Urban Form encourages “infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure.” Redeveloping the subject land as proposed would, indeed, infill vacant land and would better utilize existing infrastructure.

Site Design

Part 5: Development and Design Standards of Zoning By-law 200/2006 has requirements for parking, loading, signs, landscaping, buffering, fencing, screening, lighting and building design. By ensuring that the development conforms to all of these requirements as they apply to the subject land, the development would be more compatible with the area in which it is to be located than would otherwise be the case. As well, the facility should retain and enhance its universal accessibility characteristics. If plans of the development must be approved by, say, the Director of Planning, Property, and Development and the development must be established in substantial conformity with those plans, there is significant assurance that the requirements will be met and that the universal accessibility characteristics will be enhanced.

Transportation and Site Access

The main entrance to the facility is approximately 400 feet from Main Street which is a major regional street on which are several major Winnipeg Transit bus routes. It is also of note that the subject land is adjacent to local residential streets and that the main entrance and the largest parking area serving the development are accessible from Magnus and Manitoba Avenues.

Recommendation

The Planning and Land Use Division recommends approval because, subject to the conditions stated in the section of this report titled "Recommendations," the proposed development and associated rezoning conform to Plan Winnipeg and are compatible with the neighbourhood.

Uses, hours of operation and building heights and setbacks must be restricted to ensure compatibility of the development and associated rezoning with the area around the subject land.

Uses that should be restricted are those that are generally incompatible with the current zoning of most of the site – "RMF-L" District and the surrounding area.

Hours of operation, specifically, admitting or receiving clients, receiving supplies and the use of illuminated signage visible from any location not on the subject land should be prohibited from, say, 10 p.m. to 6 a.m., every day of the week.

Of note is that the "C1" District requires multiple-family residential structures to meet the "RMF-S" District requirements. This district would limit the number of dwelling units on the subject land to approximately 80 and the maximum building height to 35 feet. These restrictions are significantly more than the current zoning of roughly three-quarters of the subject land, which allows, on that portion of the land, approximately 200 dwelling units and a maximum building height of 150 feet.

After the redevelopment, the bulk of the building on the subject land would be more compatible with the area than it is at present because:

- its gross floor area would be reduced by approximately 21 percent; and
- the three-storey northeast wing would be demolished and replaced, to a significant degree, by landscaping.

As stated in Schedule "B" of this report, the Public Works Department requires that the surface parking spaces that are directly off the Pritchard Avenue roadway be removed and the boulevard be restored. They also require that the public lane at the eastern limit of the subject land be widened from 16 feet to 20.5 feet. Implementing both these requirements, which would be done as conditions of approval of the proposed rezoning, would improve the area by enhancing the aesthetics of Pritchard Avenue and the convenience of using the public lane as a connection between Pritchard and Magnus Avenues.

Lastly, the proposed changes to the park east of the subject land, which would be implemented by the applicant if the proposed development proceeds, would enhance the area's aesthetics and sense of safety from crime.

Figure 1: Existing Land Use, 2005 aerial photography
Legend: S = single-family dwelling; 2 = two-family dwelling; M≤4 = multiple-family dwelling, 3 or 4 suites; M≥5 = multiple-family dwelling, at least 5 suites; and SRO = single-room occupancy

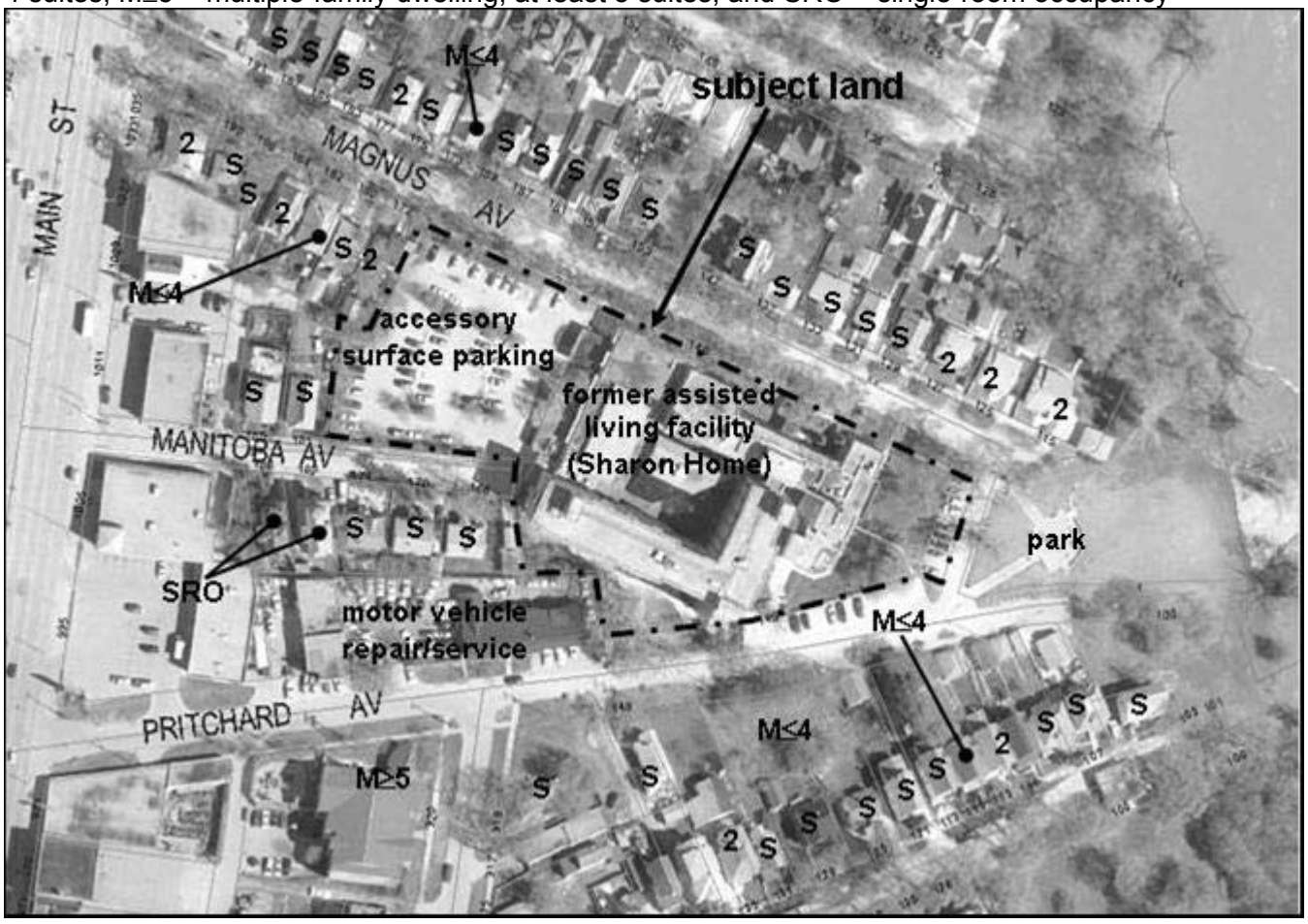


Figure 2: Existing Zoning

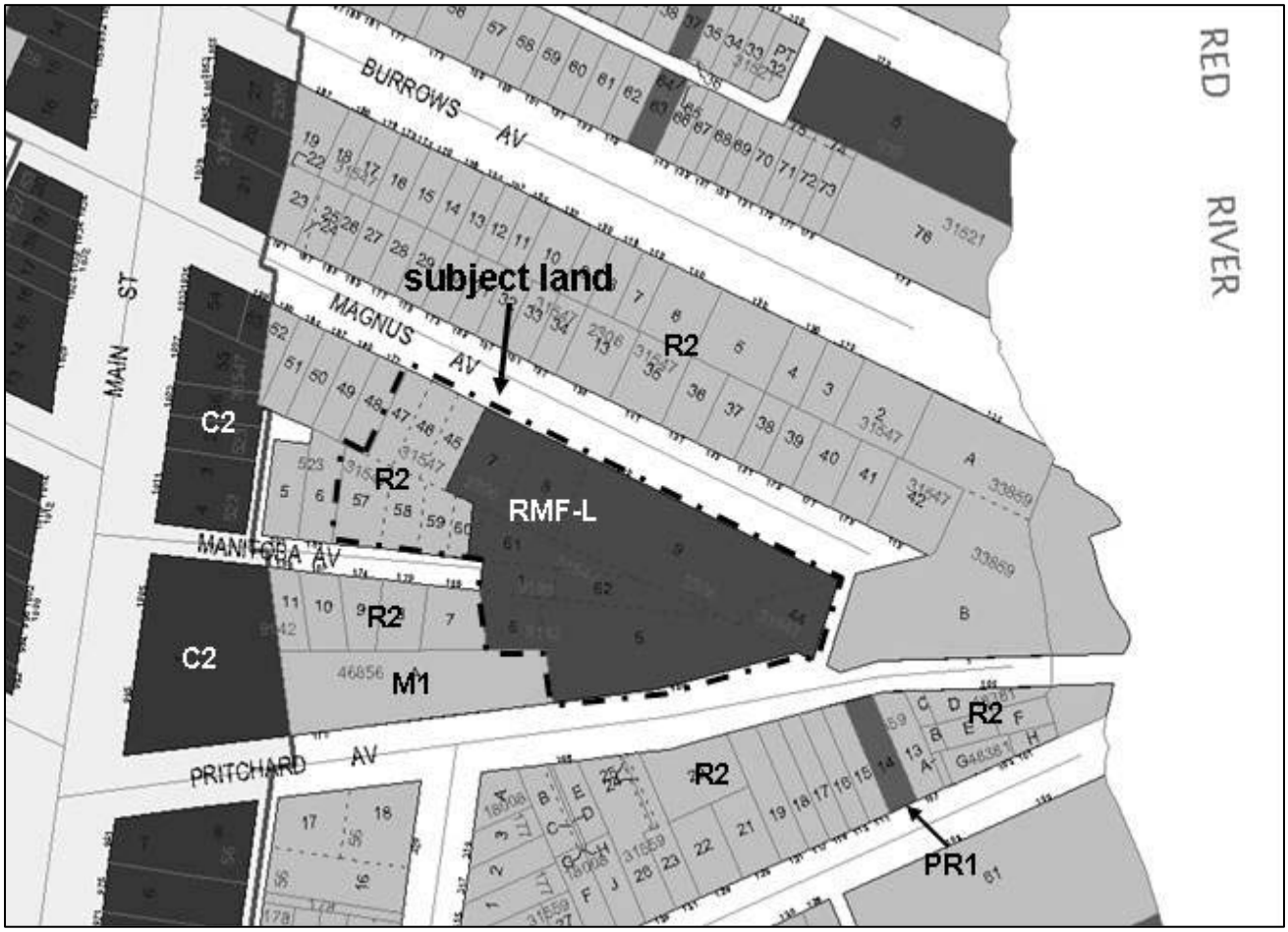


Figure 3: Site Plan and Plan of Proposed Changes to Pritchard Boat Yards Park

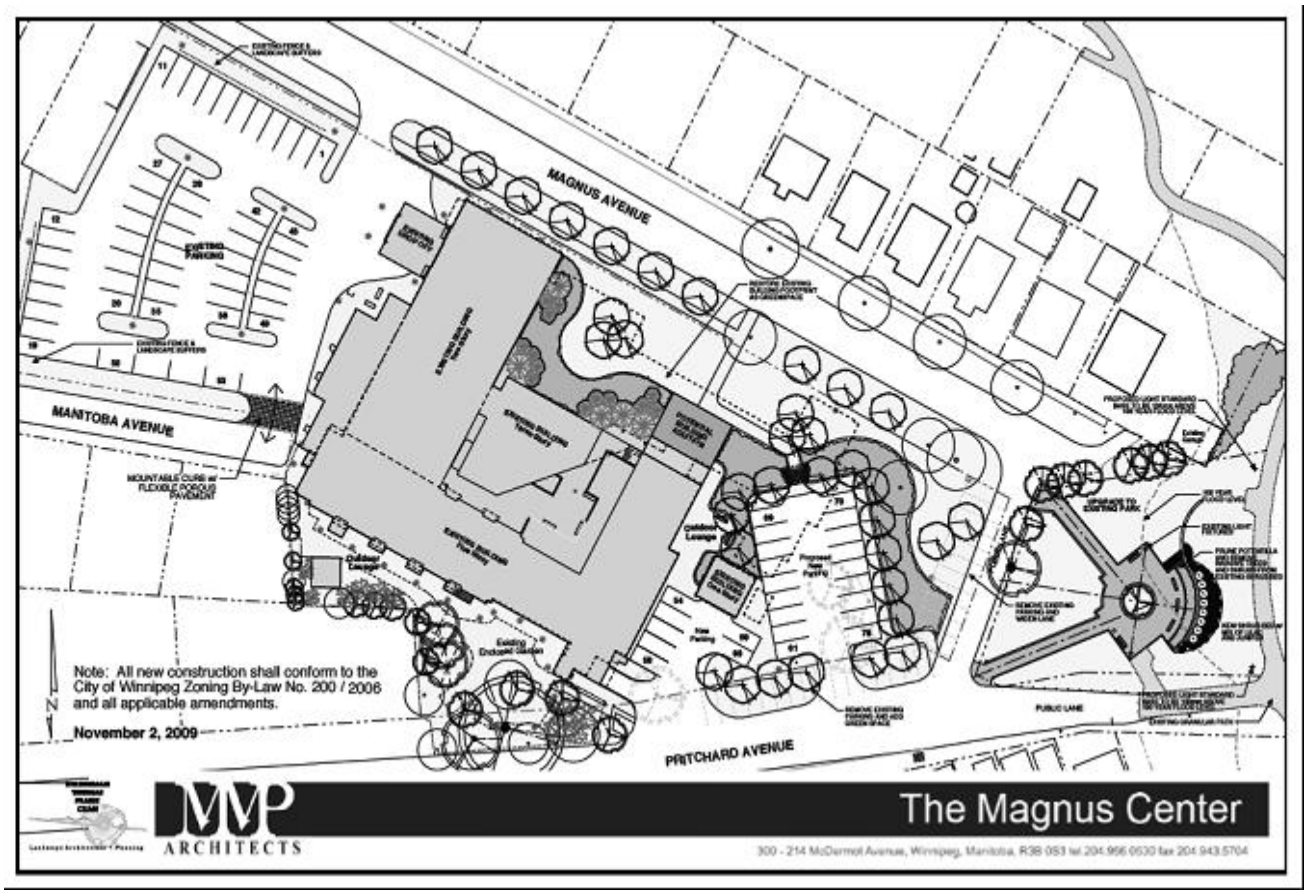


Figure 4: Plan of Proposed Changes to Pritchard Boat Yards Park

