Minutes - Executive Policy Committee - March 18, 2003

Minute No. 179
Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 9 Proposed Rezoning - 675 St. Anne's Road
File DAZ 221/2002 [c/r DAV 867/2002D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION**:**

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee that the proposed rezoning under File DAZ 221/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - March 4, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2003, the Riel Community Committee did not concur in the administrative recommendation and recommended that the proposed rezoning under File DAZ 221/2002 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Proposed Rezoning - 675 St. Anne's Road**
File DAZ 221/2002 (c/r DAV 867/2002D)

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

Prepared by: **Marc Pittet, Clerk, Riel Community Committee**

Report date: **February 20, 2002**

COMMUNITY COMMITTEE RECOMMENDATION**:**

The Riel Community Committee did not concur in the administrative recommendation and recommends that the proposed rezoning under File DAZ 221/2002 not be proceeded with.

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

1. The Riel Community Committee does not agree with the administrative comments contained in the report of the Manager of Planning and Land Use.

REPORT SUMMARY

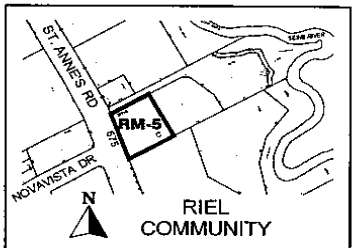
File: DAZ 221/2002 (c/r DAV 867/2002D)

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: February 10, 2003
St. Norbert Community Centre, 3450 Pembina Highway
December 10, 2002
Community Committee Chamber, 604 St. Mary's Road

Applicant: Ray Wan Architect
Unit 10 - 1200 Waverley Street
Winnipeg, MB R3T 0P4

Subject:



APPLICANT: RAY WAN ARCHITECT
FILE: DAZ 221/02
PROPOSAL: To rezone the land shown outlined above from an "RM-3" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family dwelling. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : RAY WAN ARCHITECT
RÉFÉRENCE : DAZ 221/02
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie RM-3 — SECTEUR D'HABITATIONS MULTIFAMILIALES — à la catégorie RM-5 — SECTEUR D'HABITATIONS MULTIFAMILIALES — et de permettre ainsi la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 675 St. Anne's Road

Exhibits Filed:

1. Application dated September 18, 2002
2. Notification of Public Hearing to Applicant dated November 7, 2002
3. Manitoba Status of Titles 1682720 and 1742079
4. Zoning Agreement dated September 9, 1998
5. Letter of authorization from Stan Newman, President, River Rock Development Inc., to Georgian Bay Developments Inc., dated April 11, 2002
6. Extract of Atlas Sheet AH29
7. Variance Order DAV 359/98D
8. Landscape plans (6 pages) dated August 2002
9. Report from the Manager of Planning and Land Use dated November 5, 2002
10. Photograph(s) of the site and Inspection Notice
11. Communication dated January 29, 2003, from Frank Malazdrewich opposing the application
12. Communication dated February 6, 2003, from Dave Penner opposing the application.
13. Presentation made by Cece Marks at the Public Hearing on February 10, 2003, opposing the application
14. Petition submitted by Cece Marks at the Public Hearing purporting to contain 159 signatures opposing the application
15. Petition submitted by R. Paul at the Public Hearing purporting to contain 28 signatures opposing the application

REPRESENTATIONS:

In Support:

Orest Chytyk, 37-677 St. Anne's Road, Winnipeg, R2N 4C4
Peter Dahm and George Janzen, 1221 Gateway Road, Winnipeg, R2G 2E6
Eugene Kowalchuk, 39-677 St. Anne's Road, Winnipeg, R2N 4C4
Ross McGowan, 200-120 Fort Street, Winnipeg, R3C 0C7
E.C. Tacium, 7-677 St. Anne's Road, Winnipeg, R2N 4C4
Ray Wan, 10-1200 Waverley Street, Winnipeg, R3T 0P4

In Opposition:

G. Eileen Bate, 42-677 St. Anne's Road, Winnipeg, Manitoba, R2N 4C4
David Beckinsale, 102-679 St. Anne's Road, Winnipeg, R2N 3S8
Anne Brown, 201 - 679 St. Anne's Road, Winnipeg, R2N 3S8
Margaret Cruickshank, 207-679 St. Anne's Road, Winnipeg, R2N 3S8
Muriel Davis, 105-683 St. Anne's Road, Winnipeg, R2N 3T1
Alcide P. Desmottes, 105-681 St. Anne's Road, Winnipeg, R2N 3S9
Barry Dunn, 206-687 St. Anne's Road, Winnipeg, R2N 3T3
Doreen Frame, 105-685 St. Anne's Road, Winnipeg, R2N 3T2
Peter & Helene Harder, 32-677 St. Anne's Road, Winnipeg, R2N 4C4
Norman Healey, 10-677 St. Anne's Road, Winnipeg, Manitoba, R2N 4C4
O. Kereluk, 305-687 St. Anne's Road, Winnipeg, R2N 3T3
Dan H. Kraayeveld, 12-677 St. Anne's Road, Winnipeg, R2N 4C4
Frank Malazdrewich, 107-685 St. Anne's Road, Winnipeg, Manitoba, R2N 3T2
Cece Marks and A. Montagnon, 306-679 St. Anne's Road, Winnipeg, R2N 3S8
Robert McFetridge, 28-687 St. Anne's Road, Winnipeg, R2N 4C4
A. McCann, 17-677 St. Anne's Road, Winnipeg, Manitoba, R2N 4C4
Al Montagnon, 306-679 St. Anne's Road, Winnipeg, R2N 3S8
John Palmer, 201-683 St. Anne's Road, Winnipeg, R2N 3T1
Roy Paton, 305-683 St. Anne's Road, Winnipeg, R2N 3T1
Howard Paul, 27-677 St. Anne's Road, Winnipeg, R2N 4C4
Ben Pelletier, 308-687 St. Anne's Road, Winnipeg, R2N 3T3
Dave Penner, 20-677 St. Anne's Road, Winnipeg, Manitoba, R2N 4C4
Paul and Simone Rivard, 207-683 St. Anne's Road, Winnipeg, R2N 3T1
Chester Rouleau, 1-677 St. Anne's Road, Winnipeg, R2N 4C4
Jacob P. Siemens, 308-679 St. Anne's Road, Winnipeg, R2N 3S8
John Wiens, 203-681 St. Anne's Road, Winnipeg, R2N 3S9
Linda Zaluski, 206-687 St. Anne's Road, Winnipeg, R2N 3T3

For Information:

Susan Dunlop, 47-677 St. Anne's Road, Winnipeg, Manitoba, R2N 4C4

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

December 10, 2002

No person appeared in support or in opposition to the application.

February 10, 2003

Ray Wan appeared in support of the application. Mr. Wan indicated that the proposed structure would be an assisted-care housing complex consisting of 57 units much like the development known as "The Waverley" which area residents were invited to visit. He stated that he met with condo association members residing next to the property last fall and subsequently made the rezoning application. Consideration of his application was laid over on December 10, 2002, and, during that time, he again met with area residents.

Mr. Wan explained that the existing zoning ("RM-3" Multiple Family District) was not dense enough for what they were proposing as the thirty-thousand (30,000) square feet would only accommodate approximately thirty (30) suites; thus the rezoning is required to make this project viable. Mr. Wan stated that despite the proposed "RM-5" Multiple Family District allowance for a building height of seventy-five (75) feet, the developer would be willing to limit the height to forty-five (45) feet. He iterated that the building would be wood framed, fully sprinklered and the developer would be willing to establish a minimum of eighteen (18) parking spots even though only eleven (11) would be required under the proposed zoning designation.

Mr. Wan stated that parking was an issue discussed with local residents and that the developer would be willing to make arrangements for staff of the facility (approximately eight (8) part-time employees) to park across the street.

Councillor Steeves clarified that the applicant was asking for 57 units, 20 more than were previously allowed. The Councillor asked how high the adjacent buildings were as compared to the proposed complex. Mr. Wan indicated that the buildings adjacent to their development were between three (3) and four (4) storeys in height and that the proposed complex would be four storeys high and constructed so that the roof fans would be concealed. Councillor Steeves asked if Mr. Wan thought that the construction of their complex would decrease the market values of neighbouring condos to which Mr. Wan replied that their properties would increase in value if the property in question was developed. Mr. Wan indicated that the assisted care housing units would not be for sale but for rent and that the facility would provide a drop in office for doctors and perhaps an in-house bank.

Councillor Steeves asked Mr. Wan to explain the rezoning and variance applications and the differences between what would be allowed with the existing zoning and what they were currently applying for. Mr. Wan indicated that they were applying for the "RM-5" Multiple Family District zoning designation as the units in the proposed facility would be much smaller

than previously anticipated and that the fifty-seven (57) units proposed would require a foot print equivalent to thirty-seven (37) units under the "RM-3" Multiple Family District zoning.

Councillor Vandal asked about the ownership of the proposed development and if said ownership was non-profit. Mr. Wan indicated that the owners were a group of private investors willing to develop this housing as there is a demand for it in Winnipeg. He further stated that the monthly rental rate would be approximately fifteen hundred ($1,500.00) dollars per month and that the ownership group was not a non-profit entity.

Ross McGowan appeared in support of the application. Mr. McGowan indicated that he was a landscape architect and had met with area residents and believed that the proposal was quite well received at the meetings he had attended. He stated that he was supportive of the recommendations contained within the report of the Manager of Planning and Land Use.

Eugene Kowalchuk appeared in support of the application. Mr. Kowalchuk stated that he resides at 677 St. Anne's Road and that he was representing the Board of Directors for his building. Councillor Angus asked Mr. Kowalchuk how much parking there was in his building to which Mr. Kowalchuk replied that there was one stall for each of the forty-eight (48) suites in the underground parkade and further parking for visitors, staff and residents above ground.

E. C. Tacium appeared in support of the application. He stated that he was a resident member of the Board of Directors at 677 St. Anne's Road and indicated that the Board of Directors for his condominium were unanimous in their support of the proposed rezoning and associated variances.

Cece Marks appeared in opposition to the application and submitted a copy of her presentation (Exhibit 13) and a petition purporting to contain the signatures of one hundred and fifty-nine (159) area residents (Exhibit 14).

Howard Paul appeared in opposition to the application and submitted a petition (Exhibit 14) purporting to contain the signature of twenty-eight (28) area residents opposing the application.

Dan Kraayeveld appeared in opposition to the application. Mr. Kraayeveld summarized the previous zoning agreement for the property in question. He indicated that he had bought his condo on the assumption that the third phase of development would be the same as what he lived in.

Councillor Vandal asked Mr. Kraayeveld to explain how his quality of life and value of his condo would be negatively affected by the proposed development. Mr. Kraayeveld indicated that the increased density on the neighbouring property would adversely affect his quality of life and decrease the value of his property.

Chester Rouleau appeared in opposition to the application. He asserted that the proposed building was to be built on the crest of a hill and would hide the other two units. Mr. Rouleau indicated that he purchased a property in this location primarily due to the park-like setting and

refuted the position of his Board of Directors. He stated that the proposed development would put strains on parking for his building.

John Palmer appeared in opposition to the application and indicated that the City had recently turned down an application for the construction of a new Keg restaurant due to complaints from neighbours that the smell of a restaurant in their area would be intrusive. He further asserted that the proposed complex would be much too close to his building.

Orest Chytyk appeared for informational purposes but indicated that he was now supportive of the application after hearing both sides of the argument.

Ray Wan returned in rebuttal. Mr. Wan indicated that thirty-five (35) area residents attended the initial meeting and that twenty-eight (28) of those in attendance were supportive of the development.

Mr. Wan refuted the concerns raised regarding parking as the developer was providing in excess of what the proposed zoning required. Mr. Wan indicated that piles for the proposed building would be drilled and poured and not pounded in the ground.

Mr. Wan stated that all exhaust fans would be located on the roof of the building and this would prevent noise and odour pollution. He further stated that there would be no deep fryer in the kitchen.

Mr. Wan stated that the removal of the fence to the south was not required but they had suggested it to improve the sense of community. Mr. Wan refuted the statement that the park-like setting would be adversely affected and indicated that he had presented extensive landscaping plans to area residents. Mr. Wan stated that the claims that the neighbouring parking facilities would be affected by the development were false as similar facilities in Winnipeg have the same amount of parking per unit and it is adequate.

Mr. Wan stated that the solarium could be moved from the south side to the west side (facing St. Anne's Road); the required Variance would then be eighteen (18) feet and not twelve (12) feet.

Mr. Wan indicated that 81.25 percent of neighbouring residents that attended the informational meeting were supportive of this development. Mr. Wan indicated that he would be prepared to adjourn the matter pending a meeting of the condo corporation. Councillor Angus stated

that the Riel Community Committee would not be influenced by the legislation of the condo corporation.

Councillor Angus explained that the applicant can currently build twenty-four (24) units at twelve-hundred (1,200) square feet each; with the 57 units proposed, the footprint would be essentially the same size. There will be less parking than the existing zoning would require but the applicant is willing to install almost twice as much parking than is required. Councillor Angus iterated that the applicant is willing to make concessions with regards to the set back and that the building height would be the same as if they'd build under the existing zoning.

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 221 /02 November 5, 2002
Our c/f CP 500 (. 554)

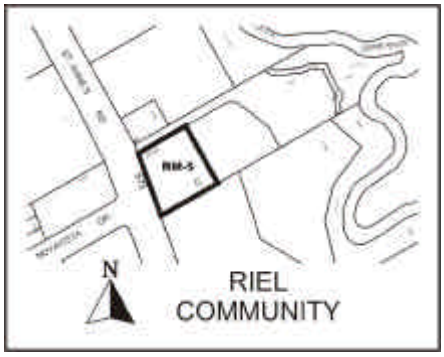
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

REZONING
Location: 675 St. Anne's (East of Novavista)
Riel Community Committee
File No. DAZ 221 /02

An application has been received from Ray Wan Architects, to amend By-Law No. 6400/94 by rezoning the land shown below from an " RM-3" Multiple Family District to an " RM-5" Multiple Family District to allow for the establishment of a 57 unit Seniors Housing Complex.

RELATED FILES: DAV 867/02D



SITE DESCRIPTION:

Site Area:

Overall site area totals 37,652 sq. ft. (less than an acre) in size.

Existing Land Use and Zoning:

The subject parcel is currently zoned RM-3 Multiple and was at one time part of a much larger development which extended to the river. Two three storey condo complexes were constructed as part of that previous development (DAZ 220/98) but the subject property, now under different ownership remains vacant.

Surrounding Land Use and Zoning:

North: To the north is a fully developed multiple family housing project zoned RM-L Multiple.
South: To the south is an adjacent fully developed multiple family housing area zoned RM-2 Multiple.
East: To the east are two three storey condo buildings zoned RM-3 Multiple.
West: To the west across St. Annes is a service station and a small mall , both zoned C2 Commercial..

DEVELOPMENT DESCRIPTION:

The applicants propose to construct a five storey (57 unit) Seniors Housing complex on the subject parcel. Access is to be via a private road to St. Annes which is to be shared with adjoining / existing condo structures to the rear abutting the Seine River. The eighteen surface parking stalls being provided is seven more than that which is required under the bylaw for Seniors housing projects of this size.The building is to be a maximum of 45 height in height with a unit mix of 7 two bedrooms and 50 one bedrooms.

PLAN WINNIPEG:

The area is currently designated as a neighbourhood policy area under Plan Winnipeg which does allow for development proposals of this type.

ADMINISTRATIVE COMMENTS:

The subject site as mentioned previously was at one time part of a larger project which called for the construction of three separate buildings and a total of seventy two overall units (DAZ 220/98). It was not a Seniors housing project. Two thirds of that original 1998 proposal has been completed but the remaining acreage fronting onto St. Annes has been sold and the new owners wish to construct a single Seniors Housing Complex. Fifty seven units are envisaged with a surface parking area on the east side of the building providing for 18 parking

stalls. The proposed development, while of a marginally higher density than that which was previously proposed, appears to be compatible with adjoining uses. However it is recommended that a new zoning agreement be established for the subject parcel limiting the maximum number of dwelling units to fifty seven(57). It is also recommended that final site plans be approved by the Administration and the Riel Community Committee prior to the issuance of any building permits. It should be noted that there will be no report of the Administrative Coordinating Group given that dedication / servicing issues etc. were addressed at the time of the first application, specifically DAZ 220/98.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 221/02, attached hereto and dated November 5, 2002, to a "RM-5" Multiple Family District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That final plans indicating the design and location of the proposed buildings (including elevations) , accessory parking areas,fencing, landscaping, free standing signage and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building permit.
2. That the maximum density be restricted to a to a maximum total of 57 dwelling units and the maximum height be limited to four(4) storeys.

II. That a 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 this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

Kevin Lalor

Per: Senior Planner
Riel Community
986-5069

/mf

By-Law No. _____

File No. **DAZ 221/02**

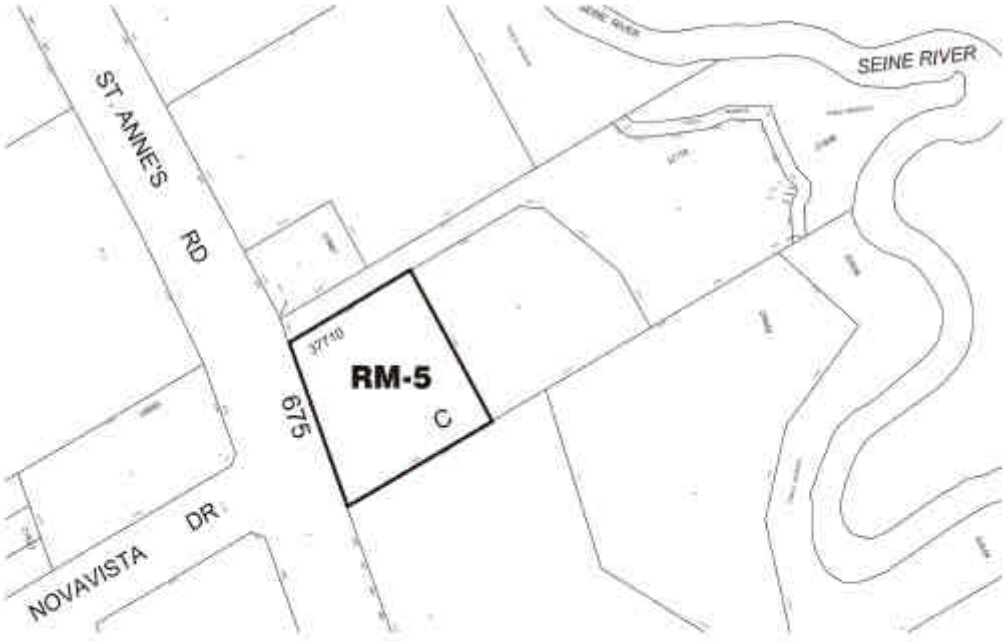
Atlas Sheet No. **AH29 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 675 St. Anne's Road from an "RM-3" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Schedule " A" for File DAZ 221/02 , Riel Community Committee , November 5/02



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____