Agenda - Executive Policy Committee - July 16, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 13 Rezoning - 1155/1173 Rothesay Street
File DAZ 214/2003 [c/r DAV 309860/2003D]

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 214/2003 dated June 09, 2003, to a "RM-7" Residential District.

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to The City of Winnipeg Charter to provide for the following:

        i. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit.

2. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

4. 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.

Report - Standing Policy Committee on Property and Development - July 3, 2003

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

6. 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.

Agenda - Executive Policy Committee - July 16, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Proposed Rezoning - 1155/1173 Rothesay Street**
File DAZ 214/2003 [c/r DAV 309860/2003D]

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

Prepared by: **Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**

Report date: **June 26, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 214/2003 dated June 09, 2003, to a "RM-7" Residential District.

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to The City of Winnipeg Charter to provide for the following:

        i. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit.

2. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

4. 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.

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

6. 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.

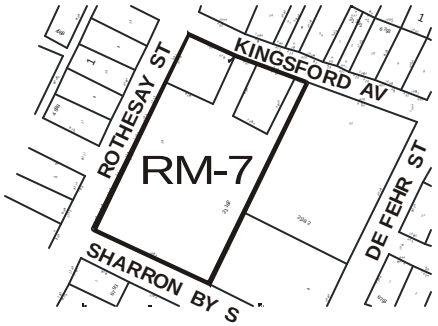
The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with administrative comments contained in the report from the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File:	DAZ 214/2003 [c/r DAV 309860/2003D]
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Lubosch Councillor Wyatt
Public Hearing:	June 18, 2003 Helen Mayba Theatre Miles Macdonell Collegiate 757 Roch Street
Applicant:	Friesen Tokar Architects (Rudy Friesen) 200 - 2033 Portage Avenue Winnipeg, MB R3J 0K8

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : FRIESEN TOKAR ARCHITECTS.

FILE : DAZ 214/03

PROPOSAL : To rezone the land shown outlined above from a "C2" COMMERCIAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family development (Senior Citizens).

For information, phone Mr. J. Wintrup, Planner at 986-5102

Premises Affected: 1155/1173 Rothesay Street

Exhibits Filed:

1. Application dated May 26, 2003
2. Advertising notice
3. Manitoba Status of Title 1871930
4. Letter of Authorization from the President, 4533349 Manitoba Inc. to Friesen Tokar Architects dated May 15, 2003
5. Extract of Atlas Sheet U29
6. Site Plan
7. Land Surveyor's Plan
8. Plans (11 pages)
9. Report from the Acting Manager of Planning and Land Use dated June 9, 2003
10. Photograph(s) of the Site and Inspection Notice
11. Communication from the Board Chair, River East Transcona School Division, with respect to the application, dated June 18, 2003
12. Sun/Shade Study Diagrams submitted at the public hearing by Rudy Friesen
13. Communication from Al Dyregrov, Dyregrov Consultants Consulting Geotechnical Engineers

dated June 17, 2003, with respect to the application submitted at the public hearing

14. Communication from George Graham, Partner, Crosier Kilgour & Partners Ltd. Consulting Structural Engineers dated June 18, 2003, with respect to the application submitted at the public hearing
15. Communication from Paul Sunderland, Senior Project Manager, Stantec Consulting Ltd. dated June 3, 2003, with respect to the application submitted at the public hearing by Jerald Peters
16. Communication from Marya Heads dated June 18, 2003, in opposition to the application submitted at the public hearing
17. Communication from Agnes Kroeker dated June 16, 2003, in opposition to the application submitted at the public hearing
18. Communication from Tomasz Cychowski dated June 18, 2003, in opposition to the application submitted at the public hearing by Anna Cychowski
19. Communication from Andris Balodis in opposition to the application submitted at the public hearing
20. Shading diagram and a map of emergency evacuation and priority snow removal routes submitted by Andris Balodis at the public hearing
21. Petition in opposition (approximately 54 pages) to the application submitted by Brian Sawka at the public hearing

REPRESENTATIONS:

In Support:

Rudy P. Friesen, Friesen Tokar Architects
Anita Kampen, Bethania Personal Care Home
Robert Bergmann
Al Dyregrov
George Graham
Jerald Peters
Hedy Arndt
Martha Albrecht
Rolf & Martha Baerbig
Walter Bergen
Peter & Mary Bergen
George & Mary Kampen
John Kampen
Heinz Kampen
Mary & Elizabeth Kasper
Neil & Anita Kasper
Henry Kehler
Heinrich & Rosa Klassen
Anne & John Klassen
John E. Klassen
Henry & Aganetha Klein
Elfriede Koop

Mr. & Mrs. M. Bergen
M Betker
Fred & Doris Bosco
Victor Brandt
Peter Braun
George & Mary Braun
Rudy Braun
Agnes & Jacob Braun
Erna Braun
Mr. & Mrs. G. Bueckert
Frank Busche
Mary Dahl
Anne Darowany
Mr. & Mrs. E. Dreher
A. Driedger
Peter Dyck
Elizabeth Dyck
Peter & Marlene Dyck
Gerhard & Anna Dyck
Al Dyregrov, Dyregrov Consultants
Henry Ens
Peter Enns
Henry Enns
Mary Epp
Neil & Agnes Epp
H. & A. Fast
H. & A. Fast
Jake & Tina Fehr
Katharina Friesen
Peter Friesen
Martin & Veronica Friesen
Henry Friesen
Jake Friesen
David & Helen Funk
John & Mary Funk
John & Anne Funk
H. Funk
Mary Funk
Jake Ginter
Mary Ginter
Gerry Green
John & Mary Guenther
Isaac & Anna Guenther
Ernst & Aggie Harder
Jake & Anne Harms
Otto Krahn
Erika & Dietrich Krahn
Bernard Krause
Mary Krause
Peter & Helen Kroeker
Katharin Kroeker
Helmut Kroeker
Walter Langelotz
Mr. & Mrs. Kurt Lebtag
M. Lebtag
Peter & Lise Loewen
Willy & Mary Loewen
Mildred Lukowich
John Martens
Rev. John Melnyk
Anne Murovec
Jake D. Neufeld
George & Nettie Neufeld
John & Evangeline Neufeld
Annie Neufeld
Hilde Neustaedter
Dave Obedzinski
Henry, Erwin & Anna Pankratz
Frank Pauls
Selma Pauls
Peter Pauls
Henry Penner
Jake Penner
Hertha Penner
John & A. Penner
John Penner
W. & Anna Peters
Margaret Petkau
Jake & Nettie Pries
Mr. & Mrs. Peter Prociuk
Edgar & Olga Reimer
Elly Reit
George & Hilda Rempel
Peter & Maria Rempel
Henry Rempel
Henry & Anne Rempel
Hilda Rempel
H. & K. Rose
Peter & Tina Sawatsky
Frank Sawatsky

Evelyn Harris
Ed & Mary Hiebert
Richard & Mary Hiebert
Abe Hildebrand
Peter Hildebrand
George & Anne Hildebrand
Henry & Hilde Hubert
Gustav Ilg
Frank & Susan Isaac
Peter Isaak
John Jansen
Pauline & Jake Janzen
Helen Janzen
Anna Janzen
Henry Janzen
Les W. Janzen
Gord Johnson
Jean Jurek
Katharina Sawatsky
Maria Schroeder
Brenda Searles
John & Helen Siemens
Robert Simpson
Jack & Alma Spenst
H. Stephens
Susanne & Gerhard Thiessen
Peter Thiessen
Harry Tiessen
Leonard Van Leeuwen
Jacob Warkentin
Gerhard & Maria Weise
Elizabeth Wiebe
Olga Wiebe
Jacob & Anna Wiebe
Sonia Wiens
Edmunds & Rose Wittman

In Opposition:

Andris E. Balodis
Blake & Joy Batchelor
Doug & Val Bauer
D. & A. Betle
Bill & Bonnie Boryskavich
David & Claudia Calvez
Thomas Campbell
Dwaine & Bernadette Carlson
Garry Chrutie
William & Lydia Donna Cox
Anna, Krysztof & Tomasz Cychowski
David & Catherine David
Cathy Dobslaw
Audrey Douglas
Joe Elfenbaum
Harry Elliott
Andrew J. Enns
Henry Epp
Sam & Dan Federkevic
Gordon Forzley
Aron Froese
William & Emily Gourluck
Jodi & Tim Guenther
Cliff & Craig Hagglund
Bill & Shirley Lekei
Mr. & Mrs. Ed Link
Wes & Lorraine Loewen
Rick & Joyce Loftson
Mr. & Mrs. G. Macdonald
Herbert Makowe
John & Vera Margerison
John Martin
Constance May
Mr. & Mrs. R.W. McAuley
Brian Sawka & Cheryl McClure
Dorothy McColl
Darrell Melinchuk
Erika Muehleisen
Zenobia Muller
Eva R. Muller
Inga Johnson Mychasiw
Clay & Kathleen Myskiew
Don & Norma Nemeth
Mary Pauk
Peter Pazerniuk
Fran & Don Purpur
Mr. & Mrs. A Ryan
Jennie Sakundiak

Jonathan & Marya Heads
Barry & Catherine Hendricks
Susan Heintz
Richard & Melanie Hiebert
Bill & Ilona Hutchinson
Pete & Scott Hildebrandt
Walter Janzen
Sonya Jobb
Kris Karwacki
Michael Karwacki
Bob & Mildred King
Greg & Donna Kirsch
Stan Klassen
Steve & Marion Kotz
Elsie Kozak
Agnes Kroeker
Bernhard Kroemer
Viera Kucerova
Bill & Carol Langton
Tom & Mabel Leaf
Neil McNiven & Lucie Leduc
George & Norma Lee
Joe & Laurette Legal
Alan & Diane Sauve
Mr. & Mrs. E. Sawka
Tracy Roblin & Justin Scheffer
Henry Schmidt
Manfred Schneider
Gerda Schneider
Ingrid Schneider
Alma Schroffel
Ed & Shirley Schroffel
Wayne & Linda Seher
E. Semmer
Angela Shumiluk
Irena Sikorski
Tim Kopachena & M. Simpson
Mary Solar
Dennis & Jeannette Stordeur
Helen Swidinsky
Grant Szpak
Marlene Tiessen
Hans & Annemarie Ulrich
Mr. & Mrs. B. Unger
Richard & Marguerite Weiner
Mrs. P. Wirth

For Information Purposes:

Stewart Elston
Hildegard Isaak
Hans Janzen
Janet P. Martin
Wayne Ritcher
Mr. C. Watkins

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Anita Kampen appeared in support of the application. She advised that since the first application in 2002, the applicant has had extensive consultation with the community and City Administration, as well as with various experts. She indicated that a major concern expressed was that of the development height. She stated that in adherence to their mission statement as well as to remain economically feasible, they have changed the design and addressed the height

by reducing the two wings. She indicated that the north wing has been reduced from 9 to 6 stories, and the south wing reduced from 6 to 4 stories, with the centre component remaining at 12 stories.

Anita Kampen further advised that the second significant change to the initial application in 2002 is the reduction of commercial space, which has been reallocated to the north wing of the structure away from the single-family homes, as opposed to occupying the entire first floor. In addition, she indicated the construction plan has been reduced from approximately 30 to 21 months.

She advised that the approximate 125 individuals and couples who expressed interest in living at the subject site initially has now escalated to approximately 229 individuals and couples, which equates to an increase of approximately 80%. She expressed her opinion that the numbers expressing interest suggest a demand for seniors housing.

Rudy Friesen appeared in support of the application and displayed renderings of the previous design as well as the newly revised design. He indicated that the tower has been moved north so it is further away from the residential component to the south. He also displayed a rendering of the landscape plan and advised that the landscaping has been increased by reducing the parking area in the front as well as eliminating most of the fencing. In connection to the landscaping plan, he indicated that there is minimal landscaping at the southwest corner of the property in an effort to address safety concerns and to minimize the impact on visibility.

Rudy Friesen indicated that the design of the balconies has changed and that they no longer face residential backyards. In addition, he displayed and submitted renderings of Sun/Shade Study Diagrams, filed as Exhibit 12. He expressed his opinion that the traffic generated by the subject proposal would be less than if a commercial development were established at the site.

Al Dyregrov, Dyregrov Consultants, provided comments with respect to potential pile driving concerns, filed as Exhibit 13.

George Graham, Partner, Crosier Kilgour & Partners Ltd. Consulting Structural Engineers, appeared in support of the application and provided comments as it relates to buildings constructed using driven pile foundations in conditions similar to the subject application, filed as Exhibit 14.

Jerald Peters appeared in support of the application and provided comments regarding sewer capacity and submitted comments with respect to sanitary and storm flows, filed as Exhibit 15.

Robert Bergmann, representing Crystal Construction, appeared in support of the application and advised that he is the construction manager for the project. He advised that the project will be phased to allow relocation of the tenants in the existing site, and in this connection, confirmed that the construction period will be approximately 21 months.

Gerry Green appeared in support of the application, and advised that she is a resident of the Springfield Heights area. She expressed her opinion that the seniors that may reside at the proposed building will not generate an excessive amount of traffic, and commented that little traffic was generated by 210 and 200 Oakland Avenue. She further commented that there is a urgent need for senior rental housing in the kildonan area.

Leonard Van Leeuwen appeared in support of the application, and advised that he has resided in the community for his entire life. He commented that there is a lack of affordable, seniors housing for members of the community and that the population is getting older. He further commented that the proposal is better than the dated shopping centre that currently exists there.

Rev. John Melnyk appeared in support of the application. He commented on the concerns expressed regarding sun/shade and shadowing, as well as about concerns regarding student safety.

Peter Thiessen appeared in support of the application, and advised that he considers the subject area his home. He indicated that he is now aging and wants to continue to reside in the community.

Neil Epp appeared in support of the application, and advised that this type of senior housing is essential for the well-being of the community. He commented that a high percentage interested in residing in the proposed development come from the subject area. He further commented that the subject site currently houses a deteriorating strip mall.

Henry Rempel appeared in support of the application, and advised that he has lived in the North Kildonan area since 1952. He advised that his children live a few blocks away and that he and his wife have looked for seniors rental housing in the area but have found none, all of which have long waiting lists. He commented that he wishes to stay in the community.

Erna Braun appeared in support of the application, and advised that she is advocating for her parents who would like to remain in the community. She stated that many of the people who wish to reside in the proposed development have built the community.

Gerhard Dyck appeared in support of the application, and advised that he and his wife moved to St. Vital because they could not find suitable housing in North Kildonan. They would have preferred to remain in the familiar surroundings of their community but many places had purported waiting lists of 2 years in duration. Gerhard Dyck advised that he continues his business in the North Kildonan area even though he resides in St. Vital.

Peter Dyck appeared in support of the application. He advised the vision of Bethania Mennonite Personal Care Home, of which he is a board member. He commented that there is a need for seniors housing and the need is growing.

George Braun appeared in support of the application. He advised that he has been looking for a suite for his aunt and uncle who live outside the City of Winnipeg. He indicated that the search

has been difficult and of the number of buildings they looked at, totalling over 1000 suites, it was not until 5 weeks later that they received a phone call regarding a possible suite.

Peter Bergen appeared in support of the application.

Jake Harms appeared in support of the application, and advised that there is rapid growth of the aging population.

Walter Langelotz appeared in support of the application. He advised that he resides across from the block on Oakland Avenue, which is 12 stories tall, and although he experienced all the inconvenience of construction, the complex he commented has been a good neighbour. He further advised that the impact on shading by the complex has been insignificant.

Frank Isaac appeared in support of the application, and advised that there is a need for seniors housing in the community. He indicated that as he is the chaplain of the Kingsford Haus residence, which is adjacent to the proposed building, he has noticed little traffic attributed to that building.

Mary Kasper appeared in support of the application, and advised that she has lived at her residence for 43 years. She expressed her opinion that the proposed project will add something to the neighbourhood, and stated that she would like to move into the development and stay in the neighbourhood.

Robert Simpson, Property Manager of Edison Agency, appeared in support of the application. He advised that the agency is responsible for a number of buildings in the City of Winnipeg, totalling over 4000 apartments, and every building has a waiting list. He commented that this indicates there is a long standing need for affordable housing in Winnipeg. He further commented that the majority of people looking for housing in North Kildonan are over the age of 55 and have owned homes in the area, and wish to remain residing in the community.

Peter Pazerniuk appeared in opposition to the application. He indicated that he purchased his home after researching the area and selected his house purportedly knowing he would not be living next to a 12 storey building.

Marya Heads appeared in opposition to the application, and submitted a copy of her presentation, filed as Exhibit 16. She advised that she is not opposed to a seniors block being built on the subject property however felt that a block the size that is proposed should be built in a more appropriate place.

Agnes Kroeker appeared in opposition to the application, and submitted a copy of her presentation, filed as Exhibit 17.

Tom Leaf appeared in opposition to the application. He expressed concern regarding safety, parking, increased traffic, pile driving, flooding of basements, and the devaluation of property.

He expressed his opinion that North Kildonan has more than fulfilled its commitment to seniors housing, and that this proposal is too big and is the wrong size at the wrong location.

Angela Shumiluk appeared in opposition to the application, and expressed concern about its effect on traffic and on schools. She commented that at an approximate rental cost of $1000 per month, lower income levels will not be able to afford the rent. She indicated that she would be in support of a seniors apartment building at the subject location that was 3 stories in height.

Gerda Schneider appeared in opposition to the application and commented that it is a worthwhile project but not at the subject location. Gerda Schneider further commented that the application for a variance indicates that the subject project does not fit the site or the surrounding community.

Anna Cychowski appeared in opposition to the application. She read into the record Tomasz Cychowski's presentation in opposition to the application, filed as Exhibit 18.

Donna Kirsch appeared in opposition to the application. She advised that a recent development at Kildonan Haus was initially proposed to be approximately 9 stories in height but was build to be only 4 stories in height. In this connection, she felt that Kildonan Haus has set a precedence and therefore the subject application should also be scaled down in height.

Marguerite Weiner appeared in opposition to the application, and advised that she resides across from Kildonan Haus. She suggested alternative sites be considered for the proposal, such as underused school properties.

Linda Seher appeared in opposition to the application. She commented that a 12 storey building does not fit into the bungalow neighbourhood. She further commented that there is a disproportionate number of seniors buildings in North Kildonan compared with Transcona and suggested one be built in Transcona to free up some of the suites in North Kildonan. She expressed concern regarding the impact on traffic, parking, accessible housing and the need for evacuation plans, limited onsite services, proximity to a bus route, as well as the subject building not being affordable for those in the most need.

Ed Link appeared in opposition to the application, and questioned the difference in zoning between the application in 2002 and the current application. John Wintrup, Planner, City of Winnipeg, responded by advising the difference in zoning regulations in terms of height, size and density. Ed Link read into the record part of the summary of representations from the 2002 application, namely, that Councillor Lubosch indicated that the onus was on the applicant to demonstrate that the proposed project would fit with the existing area. In this connection, he expressed his opinion that the current application still does not fit into the area.

Barry Hendricks appeared in opposition to the application. He advised that he does not disagree with the need for seniors housing and does not resent what Bethania Personal Care Home has proposed but does resent the size of it. He encouraged Bethania to find a more suitable site that purportedly will not alienate the neighbourhood.

Catherine Hendricks appeared in opposition to the application, and advised that she is not opposed to building a seniors block but is opposed to the size of it. She expressed her opinion that although the subject application is a modified plan to the application considered in 2002, the issues are the same, such as parking demands, widespread shading, increased sewer demands, impact on privacy and property values, and damage to houses attributed to piling.

Bill Langton appeared in opposition to the application. He expressed concern regarding the height and density of the proposal, and of the potential damage to houses attributed to the pounding of piles. In this connection, he suggested that the piles be poured instead.

Alan Sauve appeared in opposition to the application, and advised that he resides next to the Mennonite Church and will be next door to the building as construction occurs. He expressed his opinion that if the proposal proceeds, people in the area may move to a bedroom community. He also expressed his opinion that the applicant has not made the necessary changes to fit the community.

Andris Balodis appeared in opposition to the application, and submitted a copy of his presentation, filed as Exhibit 19. In addition, he expressed concern regarding the shading posed by the proposed project and displayed and submitted a shading diagram as well as a map of emergency evacuation and priority snow removal routes, filed as Exhibit 20.

Walter Janzen appeared in opposition to the application. He requested that a seniors complex be built on the site that fits, not the current proposal.

Darrell Melinchuk appeared in opposition to the application, and advised that he has resided at his address for 45 years. He commented that the footprint has increased in width on the Sharron Bay side from the proposal considered in 2002 and that the density and height has been only a small reduction from the previous application. He expressed his opinion that concerns of overburdening the sewer system, impact on privacy, and contravening the legislation are as relevant to the current proposal as to the previous proposal. He indicated that he is not opposed to seniors but is of the opinion that the project belongs on a larger lot size, not on a 2.5 acre lot in a community that is dominated by single-family dwellings.

Brian Sawka appeared in opposition to the application, and submitted a petition in opposition to the application, filed as Exhibit 21. He questioned what meaningful changes have occurred in the current application from the previous application that was considered in 2002. In this connection, he indicated that the complex is still 12 stories in height and there are still the same concerns. He commented that he wants something developed complimentary to the neighbourhood, and he indicated that he hoped it could be a 55 plus housing complex, however the current proposal does not fit.

Anita Kampen advised that the application and the issue of height has been addressed to the greatest extent possible in keeping the quality project economically feasible, and not to make a profit. In this connection, she indicated that the commercial component was reduced and moved

to the north side of the structure in an effort to create a more residential feel. She stated that many of the people that are in support of the project are community as well as those in opposition to the project.

Rudy Friesen indicated that they have consulted with experts and have brought them to the public hearing to provide information. In this connection, he indicated every precaution will be taken and all building codes will be met.

Councillor Lubosch commented that Bethania have done their research and consulted experts to get the facts, thereby providing more information on which to base a decision. He further commented that the application represents a significant reduction in height and size, and that he is satisfied that the construction time line has been reduced and will be rigorously controlled.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 214/03 June 09, 2003
Our c/f CP 500 (.413)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
1155 / 1191 Rothesay (410 Kingsford Avenue)
East Kildonan - Transcona Community Committee
File No. DAZ 214/03

An application has been received from Friesen Tokar Architects (Rudy Friesen), to amend By-Law No. 6400/94 by rezoning the land shown below from a/an " C2" Commercial District to a/an "RM-7" Residential District to allow for the construction of a multiple family dwelling building (seniors) with commercial uses.

RELATED FILES: DAV 03-309860/D



SITE DESCRIPTION:

Site Area: 112,891.49 square feet (2.591 acres)

Existing Land Use and Zoning: Springfield Shopping Centre: a Multi-tenant commercial strip mall zoned "C2" Commercial District with 23,905 square feet. Tenants include: a food store, clothing store, dentist office, doctor office, drug store, bank, hairdresser, restaurant, and muffler repair shop.

Surrounding Land Use and Zoning:

North: Across Kingsford Avenue, single family dwellings zoned "R2", and multiple family dwellings zoned "RM-1" and commercial buildings zoned "C2".
South: Across Sharon Bay, single family dwellings zoned "R1-5.5".
East: Kingsford Haus, a multiple family dwellings (seniors) zoned "RM-3" and Springfield Heights Mennonite Church; across De Fehr Street, multiple family dwellings zoned "RM-1".
West: Across Rothesay Street, Princess Margaret Elementary school zoned "R1-5.5".

ADMINISTRATIVE COMMENTS:

The EKT CC recommended rejection of the previous application, DAZ 217/2002 on March 18, 2003 after four public hearings on the matter. This recommendation was adopted by Council on April 30, 2003. Meetings held in May 2003 between the applicant and local residents resulted in a consensus being reached on the future of the subject property. A number of neighbourhood issues / concern, which had been expressed at previous public hearings, were identified and solutions discussed for a mixed residential and commercial building. The applicant then submitted a new application for the redevelopment of the subject property. The Administration is of the opinion that there has been significant changes from the previous application; and that the application should proceed to a public hearing in order for the democratic process to serve both the proponents and opponents of the proposed development.

C H A N G E S

This application (DAZ 214/2003) has a different rezoning designation, has been reduced in density (residential and commercial) and heights. The building will have a north wing of 6 stories (62 feet to parapet) a south wing of 4 stories (45 feet to parapet) and a centre tower of 12 stories (125 feet to gable end). It will have 186 residential units and 15,320 sq. feet of commercial space for 267,869 sq. ft. There will be parking for 243 vehicles. The proposed rezoning is 'RM-7'.

RESIDENTS' ISSUES / CONCERNS

Height / Mass / Density

1. The capacity of the combined sewage system handling this development will be overwhelmed causing basement flooding;
2. Excess traffic and parking will congest the neighbourhood streets;
3. Shadows cast from the building will darken yards;
4. Views / sightlines will be obstructed by the building;
5. Height and density of the project is too much for the neighbourhood;
6. People will be able to see it from their yards.

Land-Use

1. This neighbourhood is all single family dwellings / bungalows and this would destroy that character;
2. There are too many apartment complexes all ready in this neighbourhood;
3. A seniors complex will deter young families with children from buying into the area;
4. Property values will be negatively affected by the development;
5. There are too many rental units in this neighbourhood;
6. Seniors do not need to age in place in apartment buildings;
7. The existing neighbourhood muffler shop should stay;
8. There are better locations in other neighbourhoods for this type of development;
9. The neighbourhood is going to change.

Design

1. Privacy will be reduced by seniors staring from their windows and balconies into surrounding residential yards and windows;
2. The larger suites can be subdivided to increase the density;
3. The parking garage entrance is in a bad location;

Other

1. Pile driving during construction may damage nearby foundations;
2. The residents had not been approached / consulted by the applicant;
3. Safety for children attending the nearby schools will be reduced;
4. Construction trucks will have a negative impact on the physical condition of the streets;
5. People who support the building are from outside the neighbourhood;
6. This is all being done to save the church.

ADDRESSING THE ISSUES

The Administration is of the opinion that the key concern expressed by the residents have been height / density / mass. The Administration has always shared these concerns and is sympathetic

to the residents especially the immediate residents directly across the street. The potential for a structure at this location to impact the immediate residents is much greater than residents who live in the surrounding neighbourhood.

The Administration worked with this applicant to generate a number of general design guidelines for the site to mitigate the impact of the building's mass, and address the issue of privacy for the immediate neighbours. These guidelines were in response to an initial application for a building that was to have 24,920.0 square feet of commercial space, 224 apartment units, a south tower of 6 stories (54 feet), north tower of 8 stories (71 feet), and an axis tower rising from 6 stories (54 feet) to 8 stories (71 feet). The north and south towers each had front doors, with a driveway and drop off location, located in the side yards adjacent to Sharron and Kingsford Avenue. There was balconies and frontage on all four sides of the lot. The negative impact on the adjacent neighbours would be tremendous. The design guidelines were generated to reduce the impacts of this type of development and include: placing the mass of the building in the centre of the lot, flankage on Sharron Bay and Kingsford Avenue, no balconies facing Sharron Bay and Kingsford Avenue, provide residential design details, and incorporate a long/lean tower. These guidelines have been integrated in the design.

The applicant has placed the density and height of the development in the middle of the lot (in the central tower) to lessen the impact on the immediate neighbours directly across the street. The wings, which are adjacent to the surrounding residential dwellings, have been compressed down to 4 and 6 stories to be more compatible in mass with the adjacent single / two story residential dwellings and four story apartment building. The wings have only side profiles (flankage) with no balconies facing the adjacent residential dwellings. This maintains the privacy for the immediate neighbours, and reduces the dominance of the building on them. The core's orientation to the northwest and southeast directs a majority of the windows/balconies away from the immediate neighbours on Kingsford Avenue and Sharron Bay. The core's taller height also shifts the viewing plane from the building's windows on the adjacent rear yards to the distant horizon. The design, however, results in a tall central tower. This tower will now be viewed by more people farther away in the surrounding community. The applicant has peaked the tower and attempted to convey a lean look for the structure to diminish its impact. Consequently, the impact of the building on the immediate neighbours at ground level has been substantially lessened but the design is sympathetic to the surrounding community.

Servicing issues related to height / density / mass have been addressed: Public Works (Transportation Division) feels *the potential commercial site can generate approximate 3550 vehicle trips per day and the proposed development could generate less traffic at 3350 vehicle trips per day*. Water and Waste, and an independent study by Stantec Engineering, states that *the existing combined sewer in Kingsford Avenue has the capacity to handle the increased population density. We anticipate storm water runoff rates from the site can actually be reduced through the use of on-site runoff controls in the proposed redevelopment*.

DEVELOPMENT DESCRIPTION:

The applicant intends to demolish the existing shopping centre, and construct a multiple family residential building with ground floor commercial uses and accessory parking areas on the subject site. The building will have three distinct parts: a core and two wings.

The core will be in the centre of the lot and will be 12 storeys (109.33 ft) in height to the roof and 136 feet to the pent house. One wing will extend diagonally out to the southwest corner of the lot towards the Sharron Bay and Rothesay Street intersection. This wing will be 4 (four) stories (45 ft to parapet) in height and will be 65 feet wide along Sharron Bay. The second wing will extend back from the core towards the northeast corner of the lot. This wing will also be 65 feet wide on Kingsford Avenue and 6 (six) stories (62.33 to parapet) in height.

The façade of the building will utilise parapets on the rooftop and gable ends. The materials used will include dark bricks and light coloured Manitoba Tyndal Stone. Windows will be on all sides of the building. Balconies for the residential uses will be provided on the west side facing Rothesay and east side facing De Fehr Street. The gross floor area of the building will be 267,869 sq.ft.

Residential use will occupy 186 units and will be housed on all the floors including part of the ground floor of the building. The entrance to the residential segment will be in the core on the ground floor from a lobby facing southeast towards Sharron Bay. The projected residents will be seniors (plus 55).

Commercial uses will occupy 15,320 square feet of the ground floor fronting onto Rothesay Street on the north side of the building. The proposed commercial types are similar to the ones found in the existing Springfield Shopping Centre (except the muffler repair shop). The commercial types include a variety of neighbourhood uses with a strong orientation to serving the local community and the seniors living in the residential portion of the building. The projected uses are:

Type of Commercial Use	Floor Space
Bank	4,170 sq.ft
Drug Store	3,550
Grocery Store	1,285
Restaurant	1,860
Professional Offices	3,315
Rental	1,140
Gross Leasable Area	**15,320 sq.ft**

Parking for commercial uses will be retained in the front yard on the northwest corner of the lot with 71 parking stalls. Surface parking with 21 parking stalls for residential uses will be developed in the southeast corner of the lot with access from Sharron Bay. Total surface parking will be 92 stalls. Landscaping and fencing will be provided around the perimeter of the parking areas to provide a buffer for the existing residential land-uses.

The proposed building will have an underground parking facility for 151 vehicles. The entrance and exit ramp will be on the south side of the building with access directly from Sharron Bay.

The total number of parking stalls provided will be 243 spaces. The total number of parking stalls required for all the different uses is 109 spaces.

Garbage enclosures for the residential building will be in the underground parking facility with the bins rolled outside for the scheduled pick-up that has yet to be determined. A garbage enclosure will also be constructed on the surface to serve some of the commercial users. This garbage enclosure will be on the east side of the building between the existing Kingsford Haus and the proposed development.

Future plans include constructing an additional wing that will house a multi-use hall/gymnasium and kitchen. This new wing will link the proposed building to the existing Kingsford Haus residential building and the existing Springfield Heights Mennonite Church. This hall will be used as a community gathering place and fellowship hall for meetings, fitness classes, educational programming, socials, dances, weddings, bingos, etc. The kitchen will facilitate a meal program for the residents.

Legal issues regarding the future wing straddling across three property lines have to be resolved before its construction. It is anticipated the applicant will complete this task in the next few months. The developer has also indicated the Bank may construct a drive through teller on the north side of the building parallel to Kingsford Avenue. This will require a conditional use and public hearing. The applicant may also be required to apply for other conditional uses before some of the proposed commercial users occupy the building.

The applicant has filed a variance application in regards to substandard yards for the building and surface accessory parking area, and height for the building (DAV 03-309860/D).

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. Plan Winnipeg generally supports this type of mixed-use, residential / commercial redevelopment in order to promote vibrant neighbourhoods with a variety of compatible mixed uses; to minimise travel distances for basic needs; and to provide local commercial retail opportunities to communities.

RECOMMENDATION:

In response to the local issues / concerns raised at open houses, public hearings, meditation, and community meetings, the applicant has reduced the density / mass / height of the building from the previous application. The total building area has been reduced by 33 percent, commercial

floor space has been reduced by 35.5 percent, residential dwelling units reduced by 11 percent, and, the wings have been reduced each by two stories.

The architect has also utilised numerous design elements to lessen the affects of building mass / height / density - the major concerns for this project. The result is a design concept that is sympathetic to the surrounding community and reduces the negative impact of the development on the immediate neighbours. The building will accommodate the area's growing seniors population. It will assist greatly in providing housing to a key segment of the population that has a strong desire to remain in the neighbourhood where they have resided for many years. The future provision of the community hall and the meal program will also enhance the seniors' quality of life. And, it will continue to provide local residents with commercial uses found in the existing Springfield Shopping Centre. For these reasons, the Planning and Land-Use Division is recommending approval of the subject application.

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 214/03, attached hereto and dated, June 09, 2003, to a "RM-7" Residential District.

   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, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan – Transcona Community Committee for plan approval prior to the issuance of any building or development permit.

II. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period **and the extension is subsequently approved by Council**.

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

IV. 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.

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

VI. 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,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

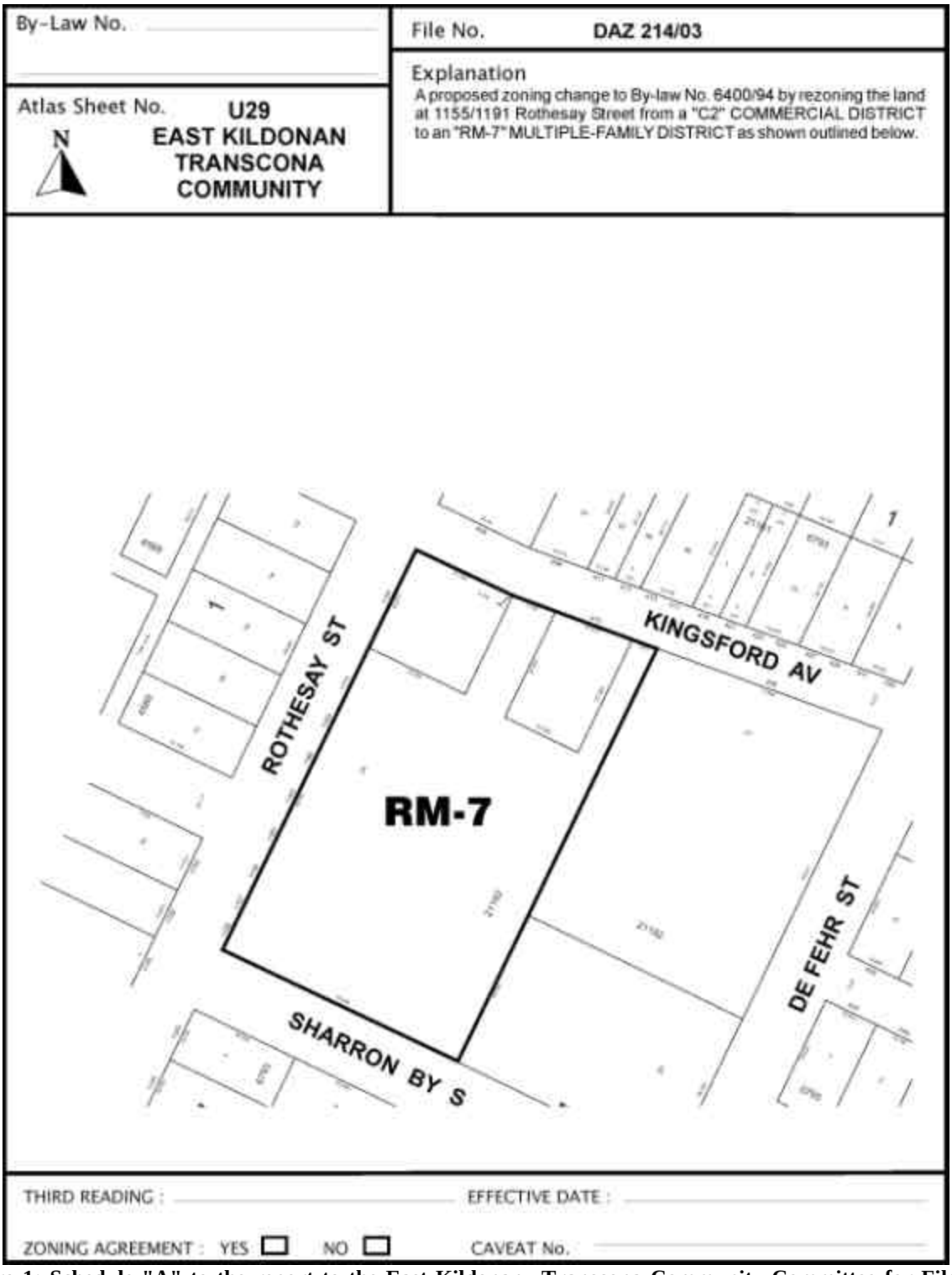


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAS 214/03, dated June, 2003.

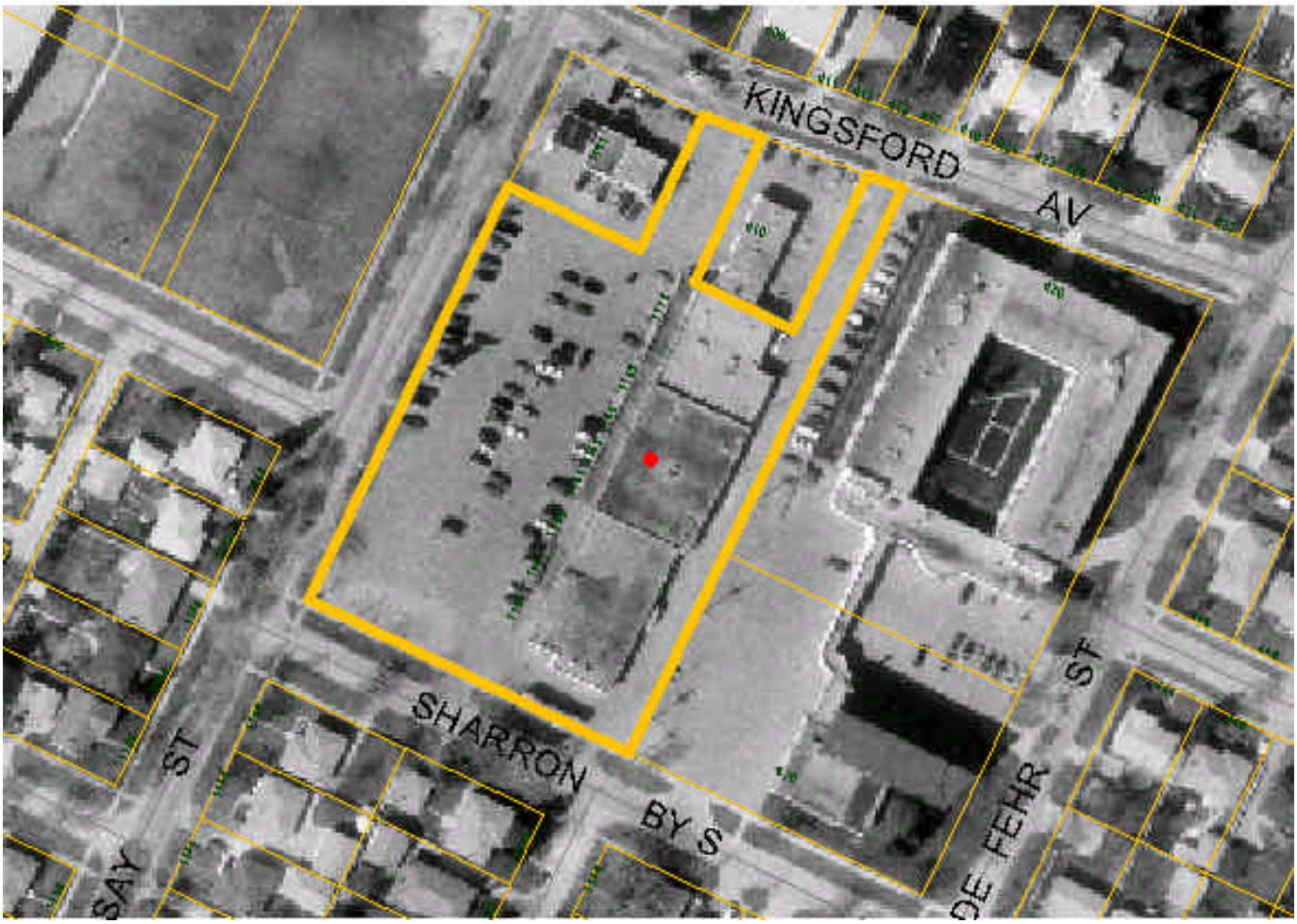


Figure 2: Air photo of subject property 1155 / 1191 Rothesay