Minute No. 565
Report - Standing Policy Committee on Property and Development - July 9, 2004

Item No. 8 **Rezoning - Pandora Avenue, north side between Winona and Bond Streets**
File DAZ 225/2003

COUNCIL DECISION:

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

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 225/2003 dated May 25, 2004, to a "MP-S" Industrial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That final site plans shall be submitted showing the following to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit and maintained thereafter to the satisfaction of the Director of Planning, Property and Development:

            a. the location and design of the proposed building indicating a visitor entrance on the north side of the building and a staff entrance on the west side of the building
            b. the location and design of accessory parking areas and private approaches indicating vehicle access from Winona Street and Pandora Avenue
            c. garbage enclosure on the west side of the building
            d. fencing, signage, and landscaping

    B. That the applicant enter into a Servicing Agreement with the City to provide for the following:

        i. That the Developer shall asphalt the parking area located at the south east corner of 110 Winona Street.

Report - Standing Policy Committee on Property and Development - July 9, 2004

COUNCIL DECISION:

ii. That the Developer shall make all necessary improvements to the rear lane with access to Winona Street, along the north side of the property line, to the satisfaction of the Director of Public Works.

2. 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 the market value of the land.

3. 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.

4. 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.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

7. 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 Act.

Report - Standing Policy Committee on Property and Development - July 9, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

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

In amendment,

Moved by Councillor Pagtakhan,
Seconded by Councillor Wyatt,

WHEREAS an application for rezoning (DAZ 225/03) of industrial lots at the southwest corner of Pandora Avenue and Winona Street was considered at a Public Hearing of the East Kildonan - Transcona Community Committee on June 1, 2004;

AND WHEREAS the East Kildonan - Transcona Community Committee resolved to require the developer to install a sidewalk and plant deciduous trees at a minimum spacing of 6 metres along the south side of Melrose Avenue between Bond Street and Winona Street;

AND WHEREAS there exists deciduous trees along the south side of Melrose Avenue and sidewalks on Winona, Bond and Pandora Avenue for the proposed development;

THEREFORE BE IT RESOLVED that Recommendation 1. B. iii. of Item 8 of the report of the Standing Policy Committee on Property and Development dated July 9, 2004 be deleted in its entirety.

The amendment was put and declared carried.

The motion for the adoption of the item, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

Report - Standing Policy Committee on Property and Development - July 9, 2004

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, amended as follows, namely:

- Delete recommendations 1.A. ii), iii) and iv) in their entirety

- Add recommendation 1.B. as follows:

    1.B. That the Applicant enter into a servicing agreement with the City to provide for the following:

        i. That the Developer shall asphalt the parking area located at the south east corner of 110 Winona Street.

        ii. That the Developer shall make all necessary improvements to the rear lane with access to Winona Street, along the north side of the property line, to the satisfaction of the Director of Public Works.

        iii. That the Developer shall install a sidewalk and plant deciduous trees at a minimum spacing of 6 metres along the south side of Melrose Avenue between Bond Street and Winona Street.,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 1, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- Replace Recommendation 1.A.i) with the following recommendation:

Report - Standing Policy Committee on Property and Development - July 9, 2004

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

"i) That final site plans shall be submitted showing the following to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development:

a. the location and design of the proposed building indicating a visitor entrance on the north side of the building and a staff entrance on the west side of the building
b. the location and design of accessory parking areas and private approaches indicating vehicle access from Winona Street and Pandora Avenue
c. garbage enclosure on the west side of the building
d. fencing, signage, and landscaping"

- Add Recommendations 1.A.ii), iii), and iv) as follows:

ii) That the Developer shall asphalt the parking area located at the south east corner of 110 Winona Street.
iii) That the Developer shall make all necessary improvements to the rear lane with access to Winona Street, along the north side of the property line, to the satisfaction of the Director of Public Works.
iv) That the Developer shall install a sidewalk and plant deciduous trees at a minimum spacing of 6 metres along the south side of Melrose Avenue between Bond Street and Winona Street.,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Rezoning - Pandora Avenue, north side between Winona and Bond Streets
File DAZ 225/2003 [c/r DAV 120916/2004D]

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

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

Report date: June 11, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On June 1, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 225/03 dated May 25, 2004, to a "MP-S" Industrial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i) That ***final site*** plans shall be submitted showing the ***following to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development:***

            a. the location and design of the proposed building indicating a visitor entrance on the north side of the building and a staff entrance on the west side of the building
            b. the location and design of accessory parking areas and private approaches indicating vehicle access from Winona Street and Pandora Avenue
            c. garbage enclosure on the west side of the building
            d. fencing, signage, and landscaping

        ii) That the Developer shall asphalt the parking area located at the south east corner of 110 Winona Street.

iii) That the Developer shall make all necessary improvements to the rear lane with access to Winona Street, along the north side of the property line, to the satisfaction of the Director of Public Works.

iv) That the Developer shall install a sidewalk and plant deciduous trees at a minimum spacing of 6 metres along the south side of Melrose Avenue between Bond Street and Winona Street.

2. That a ten per cent (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 the market value of the land.

3. 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.

4. 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.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

7. 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 Act.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The subject application will blend with the existing community.

PUBLIC HEARING SUMMARY

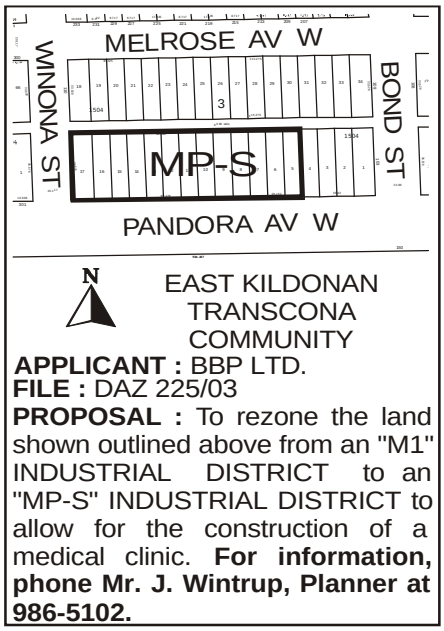
File: DAZ 225/2003 [c/r DAV 120916/2004D]

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Lubosch

Public Hearing: June 1, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: BBP Ltd. (Rob Lee)

Subject:



Premises Affected: Pandora Avenue, north side between Winona and Bond Streets

Exhibits Filed:

1. Application dated July 11, 2003
2. Notification of Public Hearing dated April 19, 2004
3. Manitoba Status of Titles 1911695 and 1259811
4. Variance Order DAV 309328/2003C
5. Report from the Manager of Planning and Land Use dated May 25, 2004
6. Inspection Report
7. Proposed Site Plan submitted at the public hearing by Bob Downs

REPRESENTATIONS:

In Support:
Bob Downs
Chris Vodrey

In Opposition:
Wendy Baxter
Deborah Thiessen-Derksen

For Information:
Nil

For the City:
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bob Downs, Shindico Realty, appeared in support of the application, and submitted a proposed site plan, filed as Exhibit 7.

Deborah Thiessen-Derksen, Scout Hall, appeared in opposition to the application, and requested that the public lane, south of the Scout Hall building, from Winona Street remain open to the divider fence and to the access on Pandora Avenue. She expressed concern regarding parking and questioned if the Scout Hall membership would be allowed to access the parking of the proposed facility. She also requested that a chain link fence, as opposed to a wood fence, be erected adjacent to the park land. She commented about drainage and expressed concern about flooding of the park property upon which the Scout Hall building resides.

Wendy Baxter, Scout Hall Group Chair, appeared in opposition to the application, and expressed concern regarding access to parking, and the closing of the public lane.

Councillor Wyatt advised that a condition of the closing of the public lane in the block bounded by Melrose and Pandora Avenues west of Bond and Winona Streets, considered by the East Kildonan-Transcona Community Committee at its public hearing held on May 4, 2004, was that Shindico Realty will be required to enter into an easement agreement with the City of Winnipeg to allow the Scout Hall continued access to 110 Winona Street, which the 1st Transcona Boy Scouts and Cub Pack has leased from the City of Winnipeg.

Bob Downs advised that at a meeting with the Scout Hall, Shindico had indicated that the responsibility for ongoing maintenance of the lane would be Shindico's and that easement rights

would allow the Scout Hall access. In this connection, he advised that they would pave the parking lot east of the Scout Hall facility. With respect to the request from the Scout Hall that the fence be chain link as opposed to wood, he indicated that they would have no problem with that request and agreed that there should be a physical barrier between the park property and the industrial district. He indicated that they would not object to others, including patrons of the Scout Hall, using the visitor parking lot as long as it does not interfere with the users of the proposed building's parking lot.

Councillor Wyatt referred to the proposed site plan submitted by Bob Downs and suggested changes, including; reversing the visitor and staff entrances so that the main entrance would be located along the north side of the building facing the community, and not near the industrial side on Pandora Avenue, and so that visitors would be accessing the building and parking lot off Bond Street and staff would be accessing the building and parking lot off Pandora Avenue West; installation of a sidewalk on the south side of Melrose Avenue from Winona Street to Bond Street to accommodate pedestrians; entranceway off Melrose Avenue through the fence to the north parking lot; and, erection of a chain link fence adjacent to the park land.

Exhibit "5" referred to in File DAZ 225/2003 [c/r DAV 120916/2004D]

In reply please refer to / Référence à rappeler : John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 225/03 May 25, 2004
Our c/f CP 500 (.402)

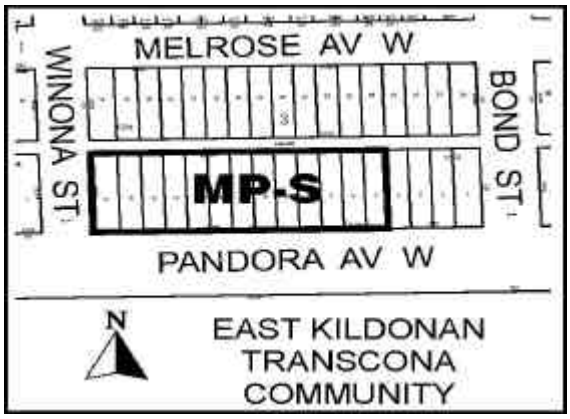
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
Pandora Avenue between Winona St. and Bond St.
East Kildonan - Transcona Community Committee
File No. DAZ 225/03

An application has been received from Rob Lee to amend By-Law No. 6400/94 by rezoning the land shown below from a "M1" Industrial District to an "MP-S" Industrial District to allow for the construction of a medical clinic.

RELATED FILES: DAV 04-120916D



SITE DESCRIPTION:

Site Area: 3272 square metres (0.8 acres)

Existing Land Use and Zoning: Vacant land designated "M1" Industrial District.

Surrounding Land Use and Zoning:

North: Across Public Lane, Vacant building zoned "M1" and Scout Hall zoned "PR-1".
South: Across Pandora Avenue, CN Rail zoned "M3"
East: Pandora Inn zoned "M1".
West: Across Winona Street, Single family dwellings zoned "R1-4".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the property in order to construct a Health Access Centre for the Winnipeg Regional Health Authority.

The proposed building will be one story and located on Pandora Avenue next to the existing Pandora Inn. The main entrance would be on the west side of the building. The applicant is proposing to close the public lane to extend the building northwards. Parking for 109 vehicles will be north of the lane (along Melrose Avenue) with access to Bond Street. Parking for 40 stalls will also be available along the west side of the subject property. There would be two ingress/egress points on Pandora Avenue.

The applicant requires a number of variances for yards, parking, and insufficient landscaping (DAV 04-120916D).

PLAN WINNIPEG:

Plan Winnipeg supports rezoning of industrial lands in neighbourhood policy areas, provided the scale and density of development is compatible with the adjacent residential neighbourhood.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division has met with representatives from the Winnipeg Regional Health Authority, the Province of Manitoba and their architects to confirm the uses in the proposed Health Access Centres. The Health Access Centres are multi-purpose facilities that provide a full range of medial, counselling and other health related services. The Division feels these uses are best classified as 'Medial, Counselling and Health Clinic' under by-law 6400. This use is 'permitted' in the following zones:

"C1.5" Commercial District
"C2" Commercial District
"C4" Commercial District
"CR" Commercial District
"BP" Boulevard Provencher District; and;
"MP-S" Industrial District

The "MP-S" Industrial District is a fairly limited zone that provides for certain recreational uses, and a limited number of manufacturing, retail and service uses. There are only eighteen (18) permitted uses in this district:

ARTISAN; CRAFTING of CUSTOM PRODUCTS from finished materials
BANK; CREDIT UNION; or similar financial service
CHURCH; SYNAGOGUE; or similar place of religious worship
CLOTHING, including hats, shoes, other wearing apparel and accessories: MANUFACTURE; NEEDLE TRADES
DRYCLEANING; PRESSING; DYEING, including accessory DEPOT; unlimited solvents
JEWELLER; WATCHMAKER, including custom manufacture
LABORATORY: MEDICAL, DENTAL, OPTICAL
LAUNDRY, SELF-SERVICE
MEDICAL, DENTAL, OPTICAL, COUNSELLING, or other health or therapeutic clinic
MEDICAL, DENTAL, OPTICAL or other PRECISION INSTRUMENTS; PROSTHETICS: MANUFACTURE
OFFICE
PARISH HALL, accessory to a place of religious worship
PHARMACEUTICALS: MANUFACTURE
PUBLIC UTILITY or SERVICE,
RECREATION CENTRE,
STUDIO, MOTION PICTURE
STUDIO, including dance, martial arts, music, photography, excluding radio, television, or motion picture

By comparison, an "M1" Industrial District has 137 permitted uses. These uses tend to favour operations that are contained within an enclosed building. The uses include industrial users such as 'brewery' and commercial users such as 'hotel'.

The Division supports the proposed rezoning. The proposed "MP-S" zone would act as buffer between the existing "M3" rail yards to the south and the residential dwelling to the north. The zone is restrictive – the uses are such that they would not commercialize Pandora Avenue whose characteristics along the north side are mainly residential in nature.

The applicant has submitted a site plan with landscaping, etc. However, the existing site plan is contingent on the applicant success in closing the public lane. A clause to allow the final site plan to be reviewed by the EKT CC is necessary to ensure the landscaping, fencing, building, etc addresses the concerns of the adjacent neighbours.

RECOMMENDATION:

That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 225/03, attached hereto and dated May 25, 2004, to a "MP-S" Industrial District, subject to the following:

That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

That, 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, signange and landscaping to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

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.

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

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

That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

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

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

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

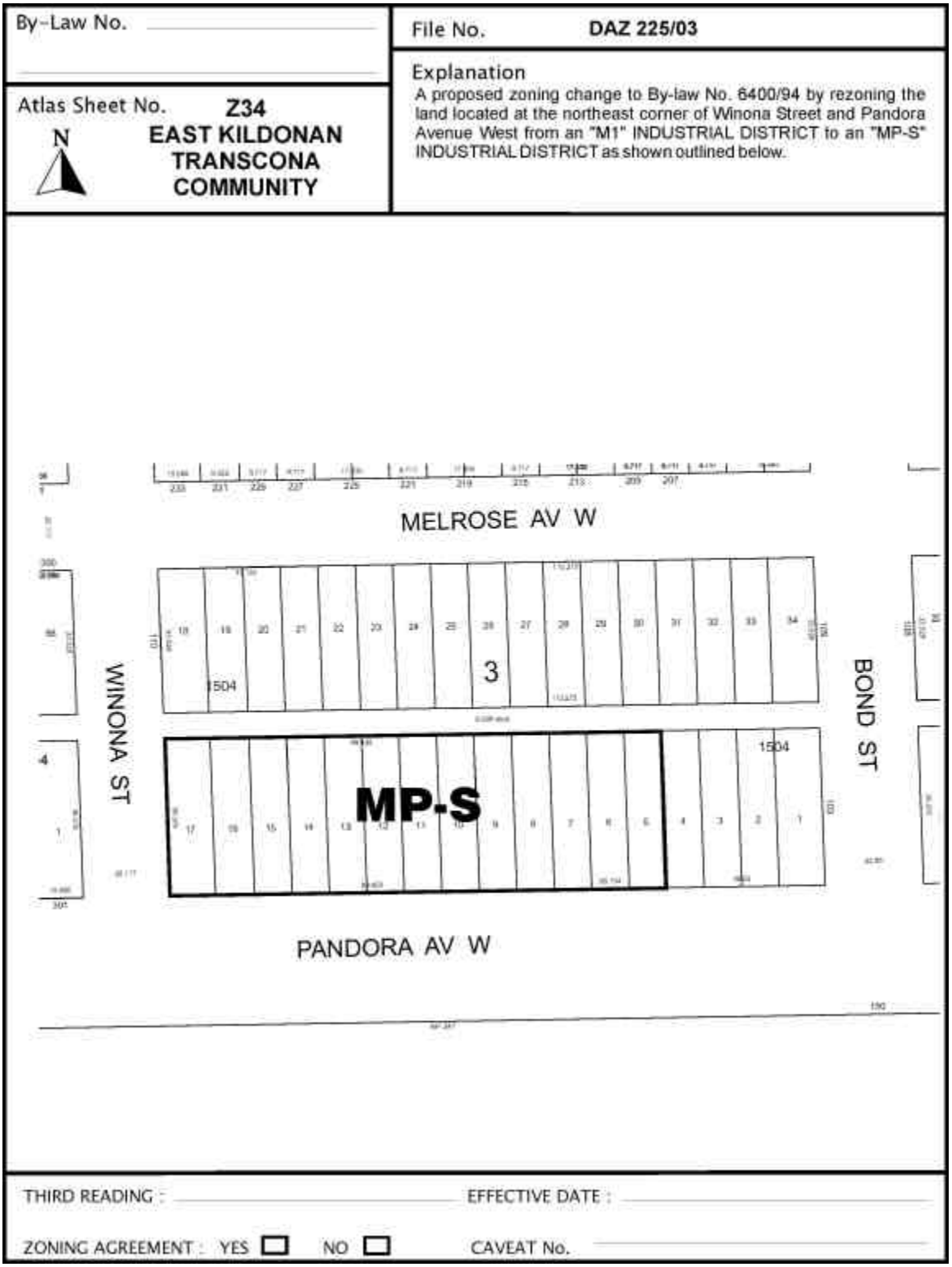


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DAZ 225/03, dated May 25, 2004.

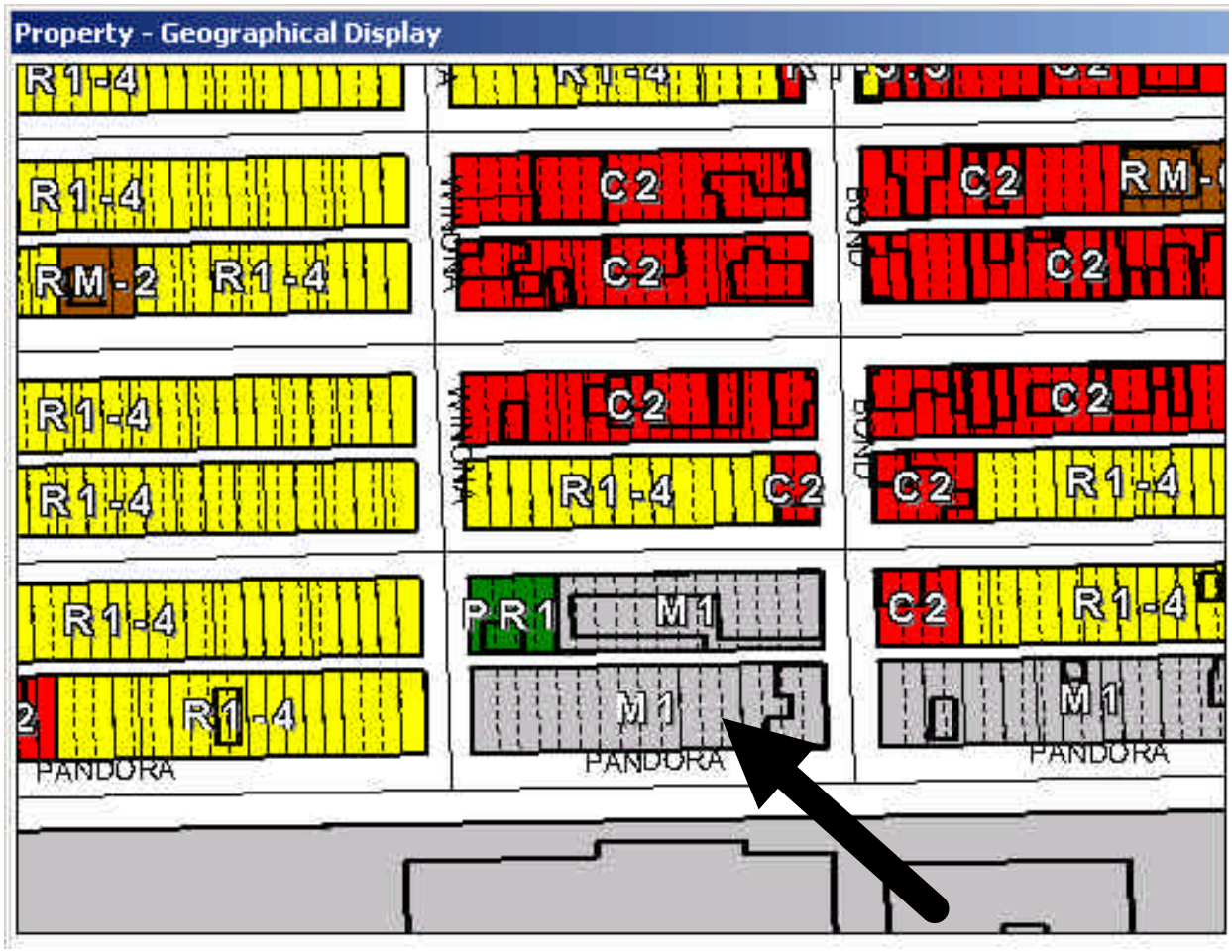


Figure 2: Existing Zoning for subject property and Surrounding Area.

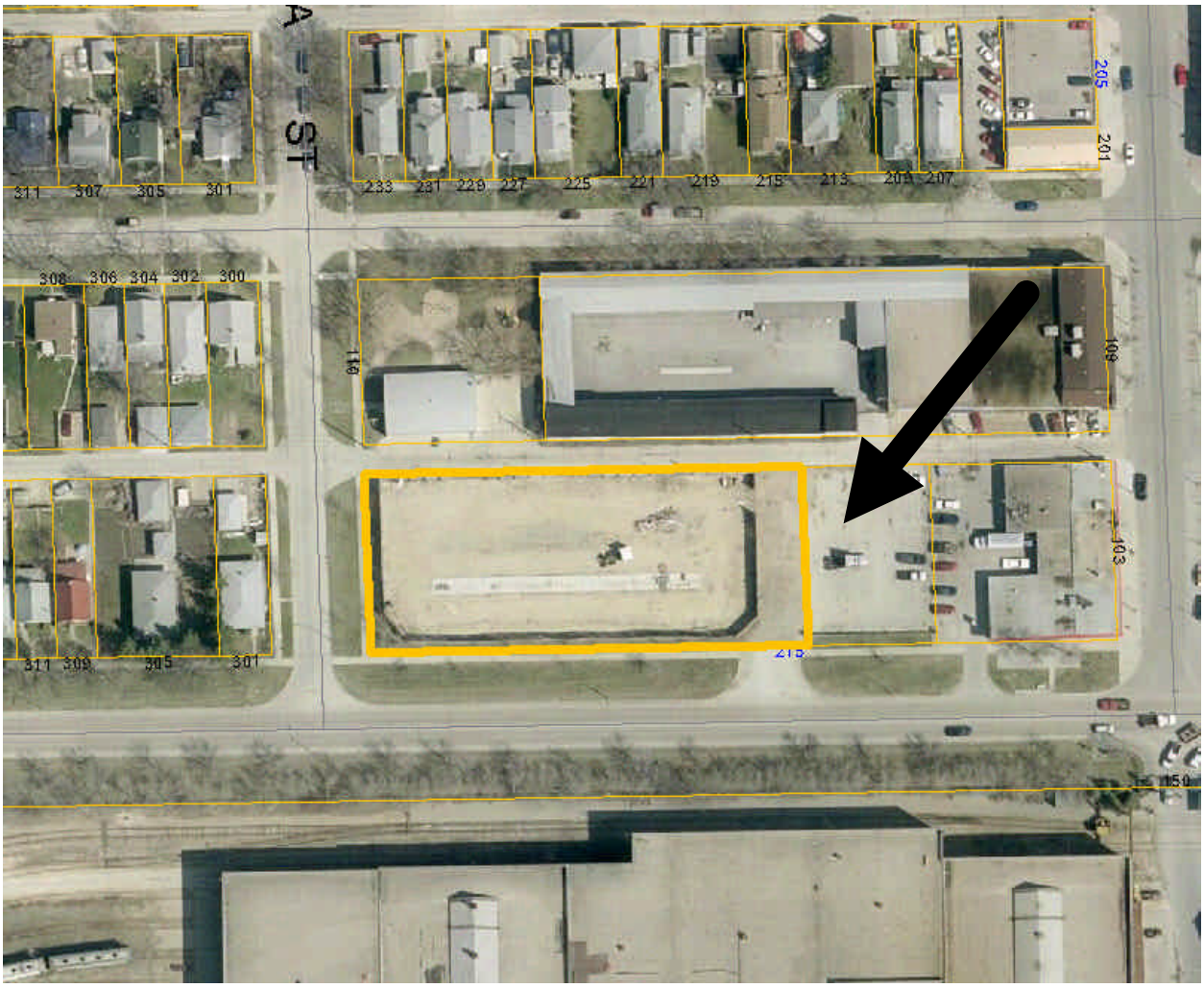


Figure 3: Existing Land-Uses for subject property and Surrounding Area.