Minute No. 153
Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 3 Rezoning - 160 St. Mary's Road
File DAZ 246/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 246/2004 not be proceeded with.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development, that the application for rezoning under File DAZ 246/2004 not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Riel Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 246/2004 not be proceeded with.

On October 18, 2004, the Riel Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on November 17, 2004, at 6:00 p.m. in the Community Committee Chamber located at 219 Provencher Boulevard.

On September 21, 2004, the Riel Community Committee adjourned the public hearing to its meeting on October 18, 2004, at 6:00 p.m. in the St. Norbert Community Centre located at 3450 Pembina Highway.

RE: **Rezoning - 160 St. Mary's Road**
File DAZ 246/2004 [c/r DAV 321762/2004D]

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

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

Report date: **December 6, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Riel Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 246/2004 not be proceeded with.

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

1. The Riel Community Committee did not agree with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 15, 2004.

PUBLIC HEARING SUMMARY

File: File DAZ 246/2004 [c/r DAV 321762/2004D

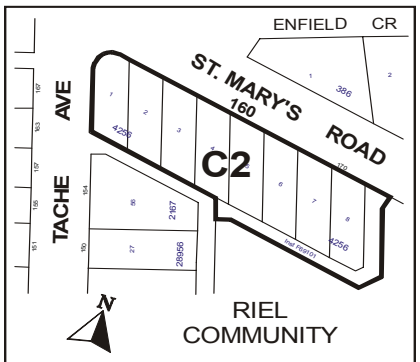
Before: Riel Community Committee
Councillor Magnifico, Chairperson
Councillor Angus
Councillor Steeves

Public Hearing: November 17, 2004
Community Committee Chamber, 219 Provencher Boulevard

Adjourned from: October 18, 2004
St. Norbert Community Centre, 3450 Pembina Highway
September 21, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: David Goyer Architecture Inc. (Darcey Harms)

Subject:



APPLICANT: DAVID GOYER ARCHITECTURE INC.
FILE: DAZ 246/04
PROPOSAL: To rezone the land shown outlined above from an "R1-5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID GOYER ARCHITECTURE INC.
N° DE DOSSIER : DAZ 246/04
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL). Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.

Premises Affected: 160 St. Mary's Road

Exhibits Filed:

1. Application dated August 6, 2004
2. Notification of Public Hearing dated August 16, 2004
3. Manitoba Certificate of Titles A 14223 and 977961
4. Surveyor's Building Location Certificate and sketch dated April 26, 2004
5. Letter of authorization dated May 26, 2004, from Brian Grieve to David Goyer Architecture Inc.
6. Plans (4 pages)
7. Report from the Manager of Planning and Land Use dated September 13, 2004
8. Inspection Report
9. Communication dated September 19, 2004, from Lorraine and Robert Crierie in opposition to the application
10. Communication dated September 21, 2004, from Nori Leask and Jean Hebert in opposition to the application
11. Communication dated September 20, 2004 from Darcey Harms to Michael Robinson, Planner
12. Proposed amendment to the Report of the Manager of Land Use dated September 13, 2004, submitted by Michael Robinson, Planner, at the public hearing on September 21, 2004
13. Revised Report from the Manager of Planning and Land Use dated November 15, 2004
14. Communication dated November 16, 2004, from Bruce Verry with respect to the application

REPRESENTATIONS:

In Support:

Bertha Collett
David Goyer, David Goyer Architecture Limited
Brian Grieve
Darcey Harms, David Goyer Architecture Limited
B. Neil Johannson
Wayne Johnson
Ada McCallum
Helen J. Reynolds
Willow Spink
Susan Tough
Russell Wardell

Gerald Williams
Margaret Wright

In Opposition

Andrew Bendor-Samuel
Keith Burr
Raphael Cole
Lorraine and Robert Crierie
Sonya Fawcett
Norm Gousseau
Jean Hebert
Jane Iredale
Roger Labossiere
Nori Leask
Gord Ledrew
Dwayne Marling
Ernie McLean
Gail Nep
Helen O'Connor
Jeanette and Trevor J. Price
Stewart Ritterman
Jane and Trevor Sims
Donald Toupin
Bruce Verry

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

November 17, 2004
The applicant, David Goyer, accompanied by Gerald Williams, appeared in support of the application and indicated concurrence in the recommendations contained in the revised report of the Manager of Planning and Land Use dated November 15, 2004, with the exception of Recommendations I.A.2, I.A.3. and I.A.4.

Mr. Williams and Mr. Goyer provided an overview of the changes to the plan arrived at after the previous public hearing and meetings with area residents. Mr. Goyer stated that it was his belief that area residents were supportive of the revised elevations, landscaping and the closing of the access to the lane. In response to a question from Councillor Angus, Mr. Williams stated that the vision for the site was to construct a health complex with many components, including a pharmacy, medical support, etc… but they were not certain as to what the components would be and how the space in the proposed development would be allocated. Mr. Williams stated that the administration's recommendation to limit the combined square footage for all retail units to half of the total square footage (up to a maximum of 6,225 square feet) of the building would put the applicants in an untenable situation and this would result in the rescinding of the financing for the project by the lenders. In response to a question from Councillor Angus, Mr. Williams stated that they have been working with Pharma Plus who would relocate from an existing store in the area, using any space in the development not filled by medical uses, provided the appropriate rezoning is approved by Council.

B. Neil Johannson appeared in support of the application. Mr. Johansson stated he was a lawyer acting on behalf of the church and also a member of the congregation. Mr. Johannson explained how the subject property became surplus as a result of the amalgamation of Norwood United, Regent's Park and St. Vital United Churches approximately a year ago. Mr. Johannson stated that efforts have been made to sell the property to another church organization to no avail. Mr. Johannson further stated that the congregation, a significant number of whom reside in the Norwood area, have overwhelmingly approved the sale and proposed use of the site as a worthy successor to the church.

Wayne Johnson appeared in support of the application. Mr. Johnson, the real estate agent with the listing for the church, reiterated his assertion of September 21, 2004, namely that there has been no interest from any other church group to purchase the facility.

Ernie McLean appeared in opposition to the application. Mr. McLean stated that he was still opposed to the application as per his presentation to the Riel Community Committee at the Public Hearing held on September 21, 2004, and the following reasons:

- He does not support the establishment of a Pharma Plus as it would result in many vehicles accessing the site;
- The ingress/egress off of St. Mary's Road would create a severe traffic hazard as vehicles would try to cross St. Mary's during rush-hour;
- The development would adversely affect parking in the area.

Mr. McLean stated that he had been unable to find a large pharmacy constructed adjacent to an "R1" Residential District in the area. Mr. McLean thanked the architects for doing a wonderful job redesigning the plans for the proposed development but it would be his preference if the zoning of the property would remain "R-1.5" Residential District.

In response to a question from Councillor Angus, Mr. McLean responded that the current Pharma Plus accommodates many deliveries in a day and many people moving in and out of the parking lot; Mr. McLean asserted that traffic would not be as severe if the subject property was developed to accommodate a medical clinic as the applicants would have difficulty filling the rental space with physicians, chiropractors or lab technologists due to the location of similar amenities in the immediate area. In response to a further question from Councillor Angus, Mr. McLean stated that rezoning the subject land to commercial would not be in character with the immediate area and that he would not want the rezoning, should it be approved, to start a trend. In response to a question from Councillor Magnifico, Mr. McLean stated that he did not support the recommendation contained in the revised report of the Manager of Planning and Land Use dated November 15, 2004.

Sonja Fawcett appeared in opposition to the application. Ms. Fawcett explained that she lives across the street from the subject property and that she not aware, prior to the public hearing, that Pharma Plus was a potential tenant in the proposed complex. Ms. Fawcett stated that the opening of a Pharma Plus would bring about extended hours of operation at the site as opposed to the standard hours of a medical clinic. Ms. Fawcett stated that the architects had done a nice job redesigning the plans for the building and that she would support the establishment of a clinic or seniors housing but not a Pharma Plus. Ms. Fawcett stated concerns relative to traffic, safety and noise/light pollution.

Stewart Ritterman appeared in opposition to the application. Mr. Ritterman explained that he lives in California but owns a home near the proposed development where he plans to move upon retirement. Mr. Ritterman stated that he was opposed to any zoning change that would allow for commercial development of the site and reiterated concerns regarding traffic and parking. Mr. Ritterman further stated that former Councillor Evelyn Reese had assured area residents that this site would never be rezoned to a commercial designation. In response to a question from Councillor Magnifico, Mr. Ritterman stated that he did not support the recommendation contained in the revised report of the Manager of Planning and Land Use dated November 15, 2004.

Father Raphael Cole appeared in opposition to the application. Father Cole stated that the construction of a Pharma Plus on this site could put existing pharmacies in the area out of business. Father Cole further stated that a Pharma Plus would create increased traffic and garbage/litter and would not be a good fit for the area. In response to a question from Councillor Magnifico, Father Cole stated that the subject property should remain residential.

Jeanette and Trevor Price appeared in opposition to the application. Ms. Price stated that, at the earliest meetings between area residents and the applicants, the plans for the building reflected the corporate design of a Pharma Plus. Ms. Price also stated that the architect had done a great job reconfiguring the original plan, aside from one blue pillar that was supposed to be a pine tree, but that she was opposed to the rezoning for the following reasons:

- Increased traffic;
- Extended hours of operation;
- Poor access to the site.

Ms. Price reiterated that she was opposed to rezoning the subject property to commercial and would prefer if the site would be developed to accommodate an old folk's home or condominiums. Ms. Price stated that a development of the proposed nature would not succeed at this location due to poor access and, should the property be rezoned and a new building be constructed, Community Committee would likely not make the owners tear it down after it fails and another commercial enterprise would likely take its place.

Trevor Price reiterated concerns regarding traffic, hours of operation and parking. Mr. Price stated that he has made his concerns known since the outset of this application but that a number of said concerns have not been addressed. Mr. Price further stated that he would not support the revised recommendation of the Manager of Planning and Land Use. In response to questions from Councillor Steeves, Mr. Price stated that the current access to the site is shared with Nelson McIntyre Collegiate and the proposed development would create too much traffic for the site to handle, especially with the elimination of the access to the back lane. The Planner, Michael Robinson, indicated that the Public Works Department may have to reanalyze the access to the site depending on the size of its retail component. Councillor Magnifico stated that accessing the site would likely be problematic during rush hour. In response to a question from Councillor Steeves, the Senior Planner, Kevin Lalor, advised that the proposed building would be approximately two thirds the size of the existing church and about 5-7 feet shorter.

Andrew Bendor-Samuel appeared in opposition to application. Mr. Bendor-Samuel reiterated concerns regarding increased traffic, in particular with respect to vehicles attempting to access the development that would create traffic problems on St. Mary's Road and divert traffic into the Norwood area.

Jane and Trevor Simms appeared in opposition to the application. Mr. Simms stated that he would support residential development on the site but that any large commercial development would be a detriment to the community and threaten the uniqueness of the area. Ms. Simms stated that she was supportive of the concerns raised by her neighbours.

Gail Nepp appeared in opposition to the application. Ms. Nepp stated that, many years ago, caveats were placed on many properties surrounding Coronation Park to preserve the unique Norwood area and that the Councillors of the Riel Community Committee should respect the intensions of the area's forefathers.

Gord Ledrew appeared in opposition to the application and the rezoning of the subject property to a "C2" Commercial District designation. Mr. Ledrew reiterated concerns regarding traffic.

Dwayne Marling appeared in opposition to the application. Mr. Marling stated that he was not notified of meetings with residents nor public hearings despite living two (2) blocks away from the proposed development. Mr. Marling reiterated concerns raised by previous speakers regarding the preservation of the unique character of the area and potential traffic problems.

David Goyer and Gerald Williams returned in rebuttal. Mr. Williams stated that the application, like many others, began with a conceptual plan and that said plan was circulated to prospective tenants. Mr. Williams also stated that one of the initial parties interested in the development was Pharma Plus and they, the applicants, developed a concept that would be a fit for the community and accommodate the relocation of an existing area business near a contingent of good prescribing doctors in the vicinity. Mr. Williams restated that he could not determine all of the tenants willing to move into the building. Mr. Williams further stated that the intended uses for the property were clearly stated at the outset of the public hearings and that many members of the public were in support of the application. Mr. Williams also stated that the original plan reflected the design of a Pharma Plus. Mr. Williams stated that, at the previous public hearing and still today, he could not predict the proportions of the site but that he was willing to rezone the property with limited uses, including a pharmacy use.

Mr. Williams explained that the establishment of a six thousand (6000) square foot medical clinic would generate traffic in the range of forty (40) visitors per hour, much higher than what would be created by a pharmacy. Mr. Williams stated that the Pharma Plus located at the corner of Portage Avenue and Mount Royal Crescent is located next to a residential neighbourhood and, at any given time, the parking lot is predominantly sixty to seventy-five (60-75%) percent vacant. Mr. Williams also stated that the local Pharma Plus is hampered by a lack of storage/preparation space and is looking to relocate to a larger space in the area. Mr. Williams emphasized that the Pharma Plus is an existing area business and that they are trying to assist an area business to remain in the area, not put it out of business.

Mr. Williams stated that access to the development was reviewed by the City of Winnipeg's Transportation Department. Mr. Williams further stated that the site plan would be oriented toward St. Mary's Road and that access from the back lane would be closed, generating less traffic in the residential area than the current facility. Mr. Williams stated that many meetings were held and much time and effort has been invested in the development of the site to address the concerns of area residents.

In response to a question from Councillor Steeves, Mr. Williams indicated that the applicants had approached Pharma Plus early in the planning stages of the project. Mr. Williams stated that he had indicated to members of the community that discussions had been held with Pharma Plus. Mr. Williams explained that he had approached Pharma Plus, had retained their interest as the plan progressed and ensured that the plan developed reflected Pharma Plus' corporate design and needs to retain their interest.

In response to a question from Councillor Angus, Mr. Williams indicated that despite the Mount Royal Crescent location occupying approximately six thousand (6,000) square feet, Pharma Plus would need approximately ten thousand (10,000) square feet of the proposed development due to other requirements. Councillor Magnifico stated that he wanted to see this site developed in a way that would be a fit for the community but that he would not be willing to endorse anything other than the revised recommendation from the Manager of Planning and Land Use in the report dated November 15, 2004. Councillor Steeves stated that he did not want the site to remain empty nor did he want to adversely affect a congregation that is trying to sell a vacant property. Councillor Steeves further stated that anything built on this site would require approaches and this fact will have to eventually be addressed.

In response to questions from Councillors Steeves and Magnifico, Mr. Williams

- stated that he had approached Pharma Plus and that interest had been received from Pharma Plus but comprehensive discussions with respect to size ,etc… had not occurred.
- explained that Pharma Plus had shown interest in the property and that a Pharmacy was an acceptable use as per the original report of the Manager of Planning and Land Use.
- stated that Pharma Plus had not been secured as a tenant but the building was developed in character with a Pharma Plus plan; this did not limit the development to the establishment of said store in case Pharma Plus was not secured as a tenant.
- stated that Pharma Plus would not sign on as a tenant if they were limited to half of the square footage of the development.
- explained that interest in the development of a project is what ultimately shapes it's plan.
- stated that adjourning the item to provide another opportunity to meet with area residents would not solve anything and that the church had only extended the agreement to purchase the property to November 17, 2004, nor could the applicants spend any more money trying to make the development happen and that the residents would not support the application even if it was limited to fifty percent (50%) retail.

The Planner, Michael Robinson, stated that the plans submitted by the applicant approximately one and a half months prior to the first public hearing reflected a prototype of a Pharma Plus; the Planner proceeded to read the applicant's letter of intent into the record. Mr. Williams stated that he stood by the letter of intent and that it was impossible to determine the allocation of space in the subject building at this stage of development. Mr. Williams stated that he would prefer to see Community Committee reject the application if it was Committee's intention to concur in the recommendation contained in the report of the Manager of Planning and Land Use dated November 15, 2004, as there is no way they could proceed with the project.

In response to a question from Mr. Goyer, Councillor Magnifico stated that the original report of the Manager of Planning and Land Use was revised as a result of the previous public hearing and meetings between the applicants, city administration and area residents.

October 18, 2004
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations

September 21, 2004
The applicant, David Goyer, accompanied by Gerald Williams, appeared in support of the application. Mr. Williams provided an overview of the proposal to build a community health care centre and explained the agreement to purchase the subject property from the church subject to approval of the rezoning before Committee. Mr. Williams explained that he and his associates had met with staff of the Planning, Property and Development Department prior to submitting an application. Mr. Williams further stated that a meeting was held with area residents and that some of the ideas raised were going to be incorporated into the plans for the development.

Mr. Williams stated that the owner of the property immediately adjacent to the proposed development was supportive of the application but was unable to attend the public hearing. Mr. Williams further stated that brick from the church would be incorporated on the lane side of the building, that the proposed building would not be as tall as the existing church and that the lot would be buffered for sound. Mr. Williams explained that it was understood there would be constraints on the site but requested that the zoning include a limited retail component, day care and church as permitted uses to accommodate current clients who may wish to remain on site.

In response to a question from Councillor Magnifico, Mr. Williams stated that a list of uses requested by the developer was e-mailed to the Planning, Property and Development Department but said list was not reflected in the recommendation contained in the administrative report from the Manager of Planning and Land Use dated September 13, 2004. Michael Robinson, Planner, Planning, Property and Development, indicated that his department would be willing to amend its recommendation to include laboratory: medical, dental or optical, as permitted uses. In response, Mr. Williams requested that the Committee expand the list of permitted uses for the site as per his communication to the department. The Planner stated that area residents were concerned with expanding the list of permitted uses on the site and that said residents had requested that a locked gate be installed at the proposed access from Taché Avenue.

Brian Grieve appeared in support of the application. Mr. Grieve stated that he is a member of the church wishing to sell the subject property. Mr. Grieve explained that the proposed sale is a result of the amalgamation of his church with another church in the area and that the proceeds of the sale would benefit the community-at-large as the proceeds would facilitate improved services at the new church. Mr. Grieve iterated that a church and medical facility are very complimentary to the community in that they both help people feel better.

Wayne Johnson appeared in support of the application. Mr. Johnson indicated that he was the real estate agent with the listing for the church. Mr. Johnson stated that the church has been listed for over a year and that there have been no other offers primarily due to the site configuration and limited parking.

Ernie MacLean appeared in opposition to the application and submitted two (2) letters from area residents opposed to the proposed development (filed as Exhibits 9 and 10). Mr. MacLean stated that the proposed development would adversely affect his quality of life. Mr. MacLean further stated that he had attended a meeting with area residents and the applicants on September 16, 2004. Mr. MacLean explained that he had spoken with Darcy from David Goyer Architecture Inc. to voice his concerns regarding the following:

- Parking on Taché Avenue which is already a problem due to St. Boniface Hospital and Nelson McIntyre High School;
- The proposed building would be much larger than the existing one;
- Proposed signage on the side of the building would be an eyesore for area residents;
- The need for a fence along the back lane;
- The relocation of the garbage dumpster as far away from area residents as possible;
- The possibility of tailoring the layout, colour and size of the proposed building to make it a better fit in the community.

Mr. MacLean stated that he was opposed to an expansion of the permitted uses for the site in question and that a community health centre is not required due to the proximity of St. Boniface Hospital. Mr. MacLean indicated that he would prefer if commercial development could be limited on the site.

In response to a question from Councillor Magnifico, Mr. MacLean stated that he did not want the building in question to remain empty and become derelict. In response to a question from Councillor Angus, Mr. MacLean stated that the proposed development was not as good a fit for the area as the church in its current state. Mr. MacLean iterated that he would be willing to meet with the applicants, area residents and representatives from the Planning, Property and Development Department in the hopes of arriving at a compromise but he would not support the application as is.

Gail Nep appeared in opposition to the application. Ms. Nep stated that she had attended a meeting some time ago at which Evelyn Reese, the Councillor at the time, had indicated the zoning of the property in question would protect the uniqueness of the Norwood area and she did not want to see it changed. Ms. Nep stated that she does not want to see a fence erected to protect the green space located along the back lane.

Trevor and Ginette Price appeared in opposition to the application. Mr. Price stated that he and his wife live across the street from the subject property and that he would prefer if the property could remain in its current state as he enjoyed the current view from his home. Mr. Price also stated that the proposal before Committee was not in character with the area and that he would prefer multiple-family housing. Mr. Price stated that he was opposed to the application for the following reasons:

- The proposed development would further exasperate an already dangerous traffic situation on Taché Avenue;
- The proposed development would be approximately twenty-five (25) feet closer to Taché Avenue than the existing church and the view from his front window would be of a thirty (30) foot wall;
- The proposed development would cause a decrease in his property value;
- Should the proposed development include a pharmacy or clinic, he would be concerned about the disposal of waste;
- He has not received an indication on what the hours of operation would be;

In response to a question from Councillor Magnifico, Mr. Price indicated that multiple-family housing would be acceptable on the site provided it was developed in character with the area.

Sonia Fawcett appeared in opposition to the application. Ms. Fawcett concurred in the comments made by Ernie MacLean and stated:

- The proposed building would adversely affect her view;
- The design of the proposed building should in character with the neighbourhood;
- The proposed building should be set back further from her property.

Donald Toupée appeared in opposition to the application. Mr. Toupée's concerns with the development included the following:

- The development would create increased traffic and he is concerned about the location of ingress/egress to the site;
- The development would adversely affect parking for area residents and the school;
- The development would negatively impact the character of the neighbourhood;
- Potential increase in debris in the neighbourhood.

Bruce Verry appeared in opposition to the application. Mr. Verry stated that he attended the meeting between the applicants and area residents and had left said meeting under the impression that the applicants were planning to develop a medical office with a small retail component. Mr. Verry indicated that he was surprised the applicant was asking for a more extensive list of permitted uses than were discussed at the meeting. Mr. Verry iterated that his primary concern was the rezoning of the property from a "C2" Commercial District designation without strict restrictions as he did not want to see a Tim Horton's or similar retail component built on site in the future. Mr. Verry further iterated that he and other area residents would be willing to sit down with the proponent in an attempt to arrive at an agreement that would be equitable to both sides and ensuring the construction of a development that would be in character with the neighbourhood.

In response to a question from Councillor Angus, Mr. Verry stated that traffic in the lane would not be affected if the developer was required to install a gate to disallow ingress and egress by the general public. In response to a second question from Councillor Angus, Mr. Verry indicated that he was ambivalent about the location of the proposed building as he does not live in the immediate vicinity.

Helen O'Connor appeared in opposition to the application. Ms. O'Conner explained that she was aware development would eventually occur on this site but that she was not certain as to what development would be a good fit for the area.

Gerald Williams and David Goyer returned in rebuttal. The Senior Planner indicated that the Planning, Property and Development Department was supportive of the application on the basis that the building would function as a neighbourhood medical and health centre as per the letter of intent from the applicants. The Senior Planner indicated that, after the administrative report was prepared, the applicants had submitted a communication (filed as Exhibit 11) to the department requesting additional permitted uses for the site. The Senior Planner stated that the administration was supportive of amending the administrative recommendation expanding the permitted uses by including Laboratory: Medical, Dental or Optical and adding a condition to include a locked gate (filed as Exhibit 12). Mr. Williams indicated that he was supportive of amending the list of permitted uses as per the amended administrative recommendation.

Mr. Williams stated that the applicants had met with the administration and area residents in an attempt to arrive at an equitable solution prior to the public hearing as the purchasing agreement between the church and developer expires at the end of September, 2004. Mr. Williams stated that the proposed development was consistent with other development in the area. Mr. Williams also stated that "flipping" the footprint for the building was considered but deemed to not be viable due to the extreme grade of the subject property and the access points would be shifted closer to Taché Avenue and would likely not be approved by the Public Works Department.

In response to a statement from Councillor Angus indicating that the public hearing with respect to the application should be adjourned to provide the applicant with another opportunity to meet with area residents, Mr. Williams stated that a public meeting had already been held and that it would be difficult to arrive at a compromise at a second meeting.

Exhibit "13" referred to in File DAZ 246/2004 [c/r DAV 321762/2004D]

In reply please refer to / Référence à rappeler :

Michael Robinson
(204) 986-3213
Fax / Téléc. : (204) 986-7524

REVISION
File No. DAZ 246/04
Our c/f CP 500 (5.514)

November 15, 2004

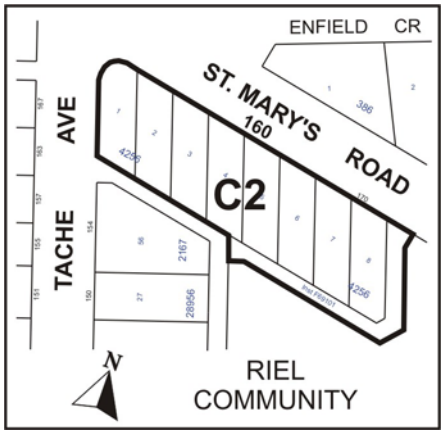
Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

REZONING
160 St. Mary's Road
Riel Community Committee
File No. DAZ 246/04

An application has been received from David Goyer Architecture to amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-5" Residential District to a "C2" Commercial District to allow for a health and medical centre.

RELATED FILES:



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:
The subject property is zoned "R1-5" Residential. It is adjacent to single-family residential to the west and south, a school to the east, and a park and residences to the north. The site is currently occupied by the Norwood United Church and is approximately 40,468 square feet (.93 acres).

Surrounding Land Use and Zoning:

North: To the north are single and two family multiple family residences zoned "R2-T" as well as a small park at the corner of Tache and St. Mary's Road zoned "PR-1".
South: To the south are single-family residences zoned "R1-5".
East: To the east is a school, Nelson McIntyre Collegiate, zoned "R1-5".
West: To the west are single family residences zoned "R1-5".

DEVELOPMENT DESCRIPTION:
Background
Norwood United Church has recently disbanded and is marketing its property at the corner of Tache and St. Mary's Road. The petitioner is applying to rezone the property from "R1-5" Residential to "C2" Commercial in order to construct a 12,450 square foot, single storey building with a partial basement. The applicant indicated in their letter of intent that the building would function as a "neighbourhood medical and health centre offering a range of services not yet specifically defined. These services could include medical offices, pharmaceutical services, a medical laboratory, x-ray facilities, and medical supplies sales." The petitioner has indicated that he has yet to determine both the exact uses and the square footage; this determinant will be controlled by neighbourhood demand and market forces.

Zoning Classification
In the "C2" commercial district, medical clinics, drug stores, and sales/rental of medical equipment are permitted uses. In less intense commercial districts, such as "C1", medical clinics are a conditional use and sales/rental of medical equipment is not permitted. Therefore, based upon the uses which the petitioner has identified as desiring to operate at this facility, "C2" zoning offers the most flexibility and would be the appropriate zoning classification for this establishment.

PLAN WINNIPEG:
The subject land lies within the Neighbourhood Policy Area which allows for commercial zoning.

ADMINISTRATIVE COMMENTS:
Compatibility
The Zoning By-Law, Section 700 "Intents and Purposes", specifies that the "C2" Commercial District "is intended to regulate more intensive commercial sites that do not have a local or neighbourhood orientation".

The site is adjacent to residential properties on three sides. Moreover, the scale of the neighbourhood is residential and the existing use is residential in scale and was low intensity when still operational. With that said, St. Mary's Road is one of the most heavily travelled roadways in Winnipeg. Furthermore, there is a reasonable amount of commercial development along St. Mary's Road – from downtown all the way to the Perimeter Highway- much of it backing up to residences.

Proposal
Within this context, the petitioner is proposing a 12,450 square foot single storey building with flexible space to allow a variety of different medical uses. The applicant indicated that deliveries would take place approximately once a week and will primarily involve drop off of pharmaceuticals with 1-3 ton cube vans.

The parking will all occur on the east side of the site and will be buffered by landscaping and decorative fencing. The main entrance will also be on the east side of the site, away from the residences along Tache.

Siting and Design
Staff has been working with the architect, developer, and community for some time to come up with a site plan and elevations that respect the surrounding residential neighbourhood, act as a gateway to the community, and help anchor this highly travelled, highly visible intersection.

As a result of these efforts, the petitioner has made several significant changes to the initial plans which are in the spirit of the above mentioned goals.

For one, the developer has agreed to install a paving stone walking path with benches, landscaping, and a new monument dedicated to the existing church at the corner of Tache and St. Mary's. Secondly, they have agreed to retain a portion of the masonry from the old church to use as cladding on the new building. Additionally, they have moved the building further to the east, away from Tache and notched the building in the southwest corner – all to reduce the impact of the building mass on the adjacent residences.

The building elevations will use a generous amount of reclaimed brick from the church as well as aluminium siding, to create a more residential feel along Tache. Additionally, the applicant has included significant glazing, especially along the west façade – which was a particular concern for residents. Finally, they are proposing a series of raised planters with evergreens along the west elevation, which will help screen the building and add visual interest.

Use
The elevations submitted match the prototype of a major national drug chain. This drug chain, Pharma Plus, has constructed other multi purpose facilities around the country – including one in Winnipeg at the intersection of Portage and Maryland. This facility, which includes a pharmacy, post office, and medical clinic has 1,128 square feet allotted for the clinic out of 10,300 square feet of floor space (11%).

Thus, if the applicant is intending to build a Pharma Plus, as the plans would suggest, it will follow that the hours of operation and truck traffic will be more intense than what would be expected at a medical clinic. The Pharma Plus at Marion and Tache, for example, which is a very small store, has at least one delivery per day with an assortment of variable sized trucks, including large trucks. Likewise, the hours of operation are retail in nature, with business being conducted 7 days per week, into the evening.

With a retail use, it would also follow that bright, colourful, attention-getting signage will be desired. Given the context and character of the neighbourhood, we feel that signage at this location should be subtle while allowing the building appropriate visibility. Likewise, we feel that no signage should be permitted along the Tache frontage, which is a residential street and immediately adjacent to homes.

Recommendation
From the beginning, the applicant has indicated that the nature of this facility would be primarily a neighbourhood health centre/clinic with accessory pharmacy, office, and medical supply sales. This was so started in the applicant's letter of intent to the city and later followed by several meetings with the community and a previous public hearing. The Planning and Land Use Division remains supportive of this mix of uses in the allocation proposed.

With that said, a full scale drug store, with an accessory clinic/assorted uses, which would be one of this chain's largest in the city, is not within the parameters of what was proposed by the applicant and is not supported by the Planning and Land Use Division. In our opinion, it does not meet the following goals of Plan Winnipeg:

3B-01 ii) Promote Vibrant Neighbourhoods
Low intensity ancillary uses such as local commercial, educational, recreational, religious, and institutional uses **at a scale and density compatible with and necessary to support, low-intensity residential development**, and in recognition of traffic flows related to these uses.

3A-01 ii) Promote Orderly Development
Considering the neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and industrial uses **at a scale and density compatible with each other;**

3B-05 ii) Promote Commercial Densification
Approving new locations for commercial development **only where significant residential areas are not well served with commercial space;**

In light of these factors, the Planning and Land Use Division supports a neighbourhood health centre use with a limited commercial component. Adding conditions which control the use within the parameters presented by the applicant and understood by the community will ensure that the use is compatible with the local context.

Therefore, the Planning and Land Use Division recommends a rezoning of this parcel to C2, with conditions.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 246/04, attached hereto and dated September 13, 2004, to a "C2"Commercial 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:

1. This rezoning to "C2" Commercial is limited to the following uses:
   a. Medical, Dental, Optical, Counselling, or other health or therapeutic clinic
   b. Medical, Dental, Optical, or other precision instruments, prosthetics: Rental, Sales, and Service
   c. Laboratory: Medical, Dental, or Optical
   d. Office
   e. Drug Store

2. The combined square footage for all retail uses shall not exceed 1/2 of the total building square footage, up to a maximum of 6,225 square feet.

3. Hours of operation shall be limited to 8 A.M. until 10 P.M., 7 days per week.

4. No signage, including temporary signage, shall be permitted anywhere along the Tache Street frontage.

5. That final plans indicating building locations, building profile details (including elevations), approaches, signage, parking stalls, landscaping, fencing, lighting details, garbage enclosure locations, etc. be submitted to and approved by the Riel Community Committee and the Director of Planning and Land Use Division prior to the issuance of any building permits.

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 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.

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 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.

_____
Michael Robinson, Planner

_____
J. East

_____
E. Axelrod

_____
E. Carriere (if Servicing Agreement)

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Michael Robinson, Planner
(Riel Community)
986-3213

By-Law No. _____

File No. **DAZ 246/04**

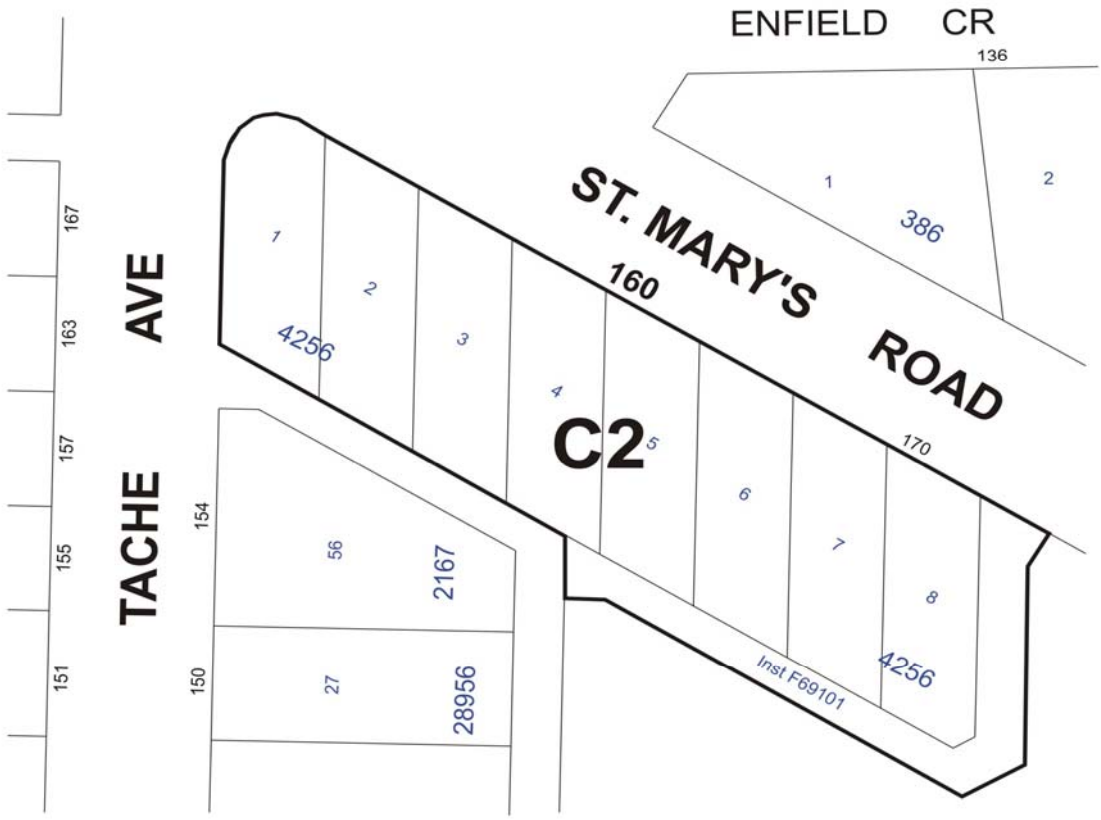
Atlas Sheet No.

N

AB26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 160 St. Mary's Road from an "R1-5" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" for File No. DAZ 246/04, Riel Community Committee, dated September 13/04



Figure 1: Aerial Photo (Flown in 2002)

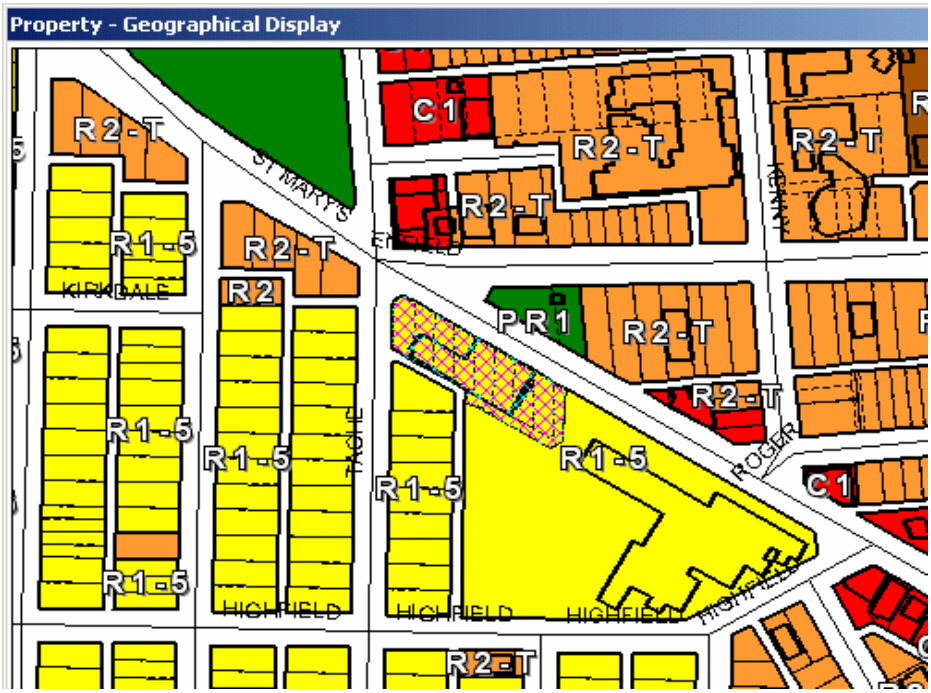


Figure 2: Site and Surrounding Zoning

Exhibit "7" referred to in File DAZ 246/2004 [c/r DAV 321762/2004D]

In reply please refer to / Référence à rappeler :

Michael Robinson
(204) 986-3213
Fax / Téléc. : (204) 986-7524

File No. DAZ 246/04 September 13, 2004
Our c/f CP 500 (5.514)

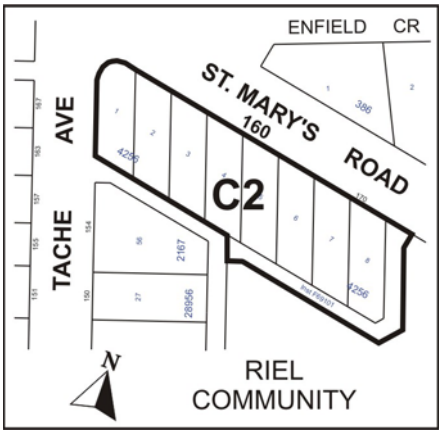
Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

REZONING
160 St. Mary's Road
Riel Community Committee
File No. DAZ 246/04

An application has been received from David Goyer Architecture to amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-5" Residential District to a "C2" Commercial District to allow for a health and medical centre.

RELATED FILES:



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:
The subject property is zoned "R1-5" Residential. It is adjacent to single-family residential to the west and south, a school to the east, and a park and residences to the north. The site is currently occupied by the Norwood United Church and is approximately 40,468 square feet (.93 acres).

Surrounding Land Use and Zoning:

North: To the north are single and two family multiple family residences zoned "R2-T" as well as a small park at the corner of Tache and St. Mary's Road zoned "PR-1".
South: To the south are single-family residences zoned "R1-5".
East: To the east is a school, Nelson McIntyre Collegiate, zoned "R1-5".
West: To the west are single family residences zoned "R1-5".

DEVELOPMENT DESCRIPTION:
Background
Norwood United Church has recently disbanded and is marketing its property at the corner of Tache and St. Mary's Road. The petitioner is applying to rezone the property from "R1-5" Residential to "C2" Commercial in order to construct a 12,250 square foot, single storey building with a partial basement. The building would function as a neighborhood medical and health centre offering a range of services not yet specifically defined. These services could include medical offices, pharmaceutical services, a medical laboratory, x-ray facilities, and medical supplies sales. The petitioner has indicated that he has yet to determine both the exact uses and the square footage; this determinant will be controlled by neighbourhood demand and market forces.

Zoning Classification
In the "C2" commercial district, medical clinics, drug stores, and sales/rental of medical equipment are permitted uses. In less intense commercial districts, such as "C1", medical clinics are a conditional use and sales/rental of medical equipment is not permitted. Therefore, based upon the uses which the petitioner has identified as desiring to operate at this facility, "C2" zoning offers the most flexibility and would be the appropriate zoning classification for this establishment.

PLAN WINNIPEG:
The subject land lies within the Neighbourhood Policy Area which allows for commercial zoning.

ADMINISTRATIVE COMMENTS:

Compatibility
The Zoning By-Law, Section 700 "Intents and Purposes", specifies that the "C2" Commercial District "is intended to regulate more intensive commercial sites that do not have a local or neighbourhood orientation".

The site is adjacent to residential properties on three sides. Moreover, the scale of the neighbourhood is residential and the existing use is residential in scale and was low intensity when still operational. With that said, St. Mary's Road is one of the most heavily travelled roadways in Winnipeg. Furthermore, there is a reasonable amount of commercial development along St. Mary's Road – from downtown all the way to the Perimeter Highway- much of it backing up to residences.

Proposal
Within this context, the petitioner is proposing a 12,500 square foot single storey building with flexible space to allow a variety of different medical uses. It is estimated that deliveries will take place at least once a week and will primarily involve drop off of pharmaceuticals with 1-3 ton cube vans.

The parking will all occur on the east side of the site and will be buffered by landscaping and decorative fencing. The main entrance will also be on the east side of the site, away from the residences along Tache.

Siting and Design
Staff has been working with the architect and developer to come up with a site plan and elevations that respect the surrounding residential neighborhood, act as a gateway to the community, and help anchor this highly travelled, highly visible intersection.

As a result of these efforts, the petitioner has made several significant changes to the initial plans which are in the spirit of the above mentioned goals.

For one, the developer has agreed to install a paving stone walking path with benches, landscaping, and a new monument dedicated to the existing church at the corner of Tache and St. Mary's. Secondly, they have agreed to retain a portion of the masonry from the old church to use as cladding on the new building. Additionally, they are proposing decorative fencing along the perimeter of the site to create definition and will provide an acceptable amount of landscaping along the perimeter of the site.

With that said, we still have concerns about the exterior appearance of the building – especially along the east and north elevations. We have asked for colour renderings, which we have not yet received, in order to more accurately evaluate the building appearance. Specific concerns include the amount of glazing along the east façade, the appearance of the building from St. Mary's Road (i.e. will be building appeared walled off from the street?), the functionality of the

secondary entrance(s), and the amount of wall space for signage that is being proposed. In that vain, signage at this location should be subtle while allowing the building appropriate visibility.

Use
As previously mentioned, there is commercial zoning along many stretches of St. Mary's Road, much of it adjacent to residences. Given that the church is vacant, the likelihood of nothing happening at this location is small. Therefore, it may be helpful to look at alternative scenarios which could occur – in order to compare the impact of this proposal. Under R1-5 zoning, for instance, the site can be subdivided for 5,000 square foot single-family residences – which would face St. Mary's Road. Under C1 Commercial Zoning, uses such as a bank, animal hospital, and/or a grocery store would be permitted as of right. Finally, under a multi-family scenario, a multi-unit apartment building could be built here.

Recommendation
The subject parcel is located along a busy stretch of St. Mary's Road. It has high visibility and is in the vicinity of other commercial and institutional uses. Although adjacent to residences, the petitioner has taken many steps to mitigate the impact of the facility on surrounding residents. The hours of operation and deliveries, as well, will be more in line with an office use than a commercial business.

Therefore, the Planning and Land Use Division recommends a rezoning of this parcel to C2, with conditions.

These conditions recommended are as follows:

i. This rezoning to C2 shall allow the following uses only:
   a. Medical, Dental, Optical, Counselling, or other health or therapeutic clinic
   b. Medical, Dental, Optical, or other precision instruments, prosthetics: Rental, Sales, and Service
   c. Office
   d. Drug Store

ii. That final plans indicating building locations, building profile details (including elevations), approaches, parking stalls, landscaping, fencing, lighting details, garbage enclosure locations, etc. be submitted to and approved by the Riel Community Committee and the Director of Planning and Land Use Division prior to the issuance of any building permits.

It should also be noted that this memo has been prepared prior to a community meeting, which is set for September 16, between the developer of this proposal and the neighbors. The Minutes of the meeting will be to review the proposal and to offer feedback. This meeting will help gauge the pulse of the community and may bring forth additional ideas which can make the building more compatible with the surrounding community.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 246/04, attached hereto and dated September 13, 2004, to a "C2"Commercial 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:

5. This rezoning to "C2" Commercial is limited to the following uses:
   a. Medical, Dental, Optical, Counselling, or other health or therapeutic clinic
   b. Medical, Dental, Optical, or other precision instruments, prosthetics: Rental, Sales, and Service
   c. Office
   d. Drug Store

2. That final plans indicating building locations, building profile details (including elevations), approaches, parking stalls, landscaping, fencing, lighting details, garbage enclosure locations, etc. be submitted to and approved by the Riel Community Committee and the Director of Planning and Land Use Division prior to the issuance of any building permits.

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 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.

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V. 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.

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.

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Michael Robinson, Planner

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J. East

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E. Axelrod

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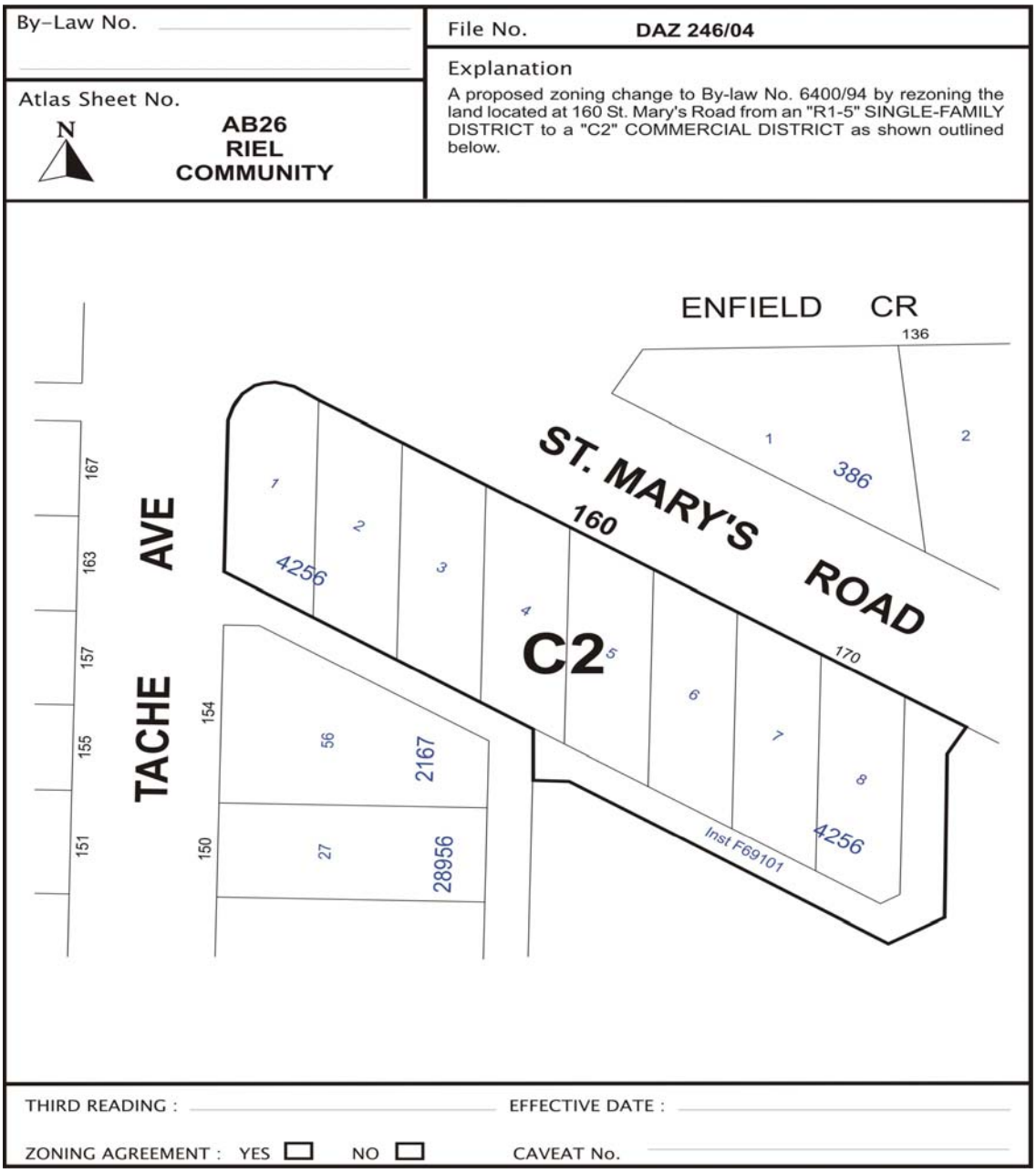
E. Carriere (if Servicing Agreement)

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Michael Robinson, Planner
(Riel Community)
986-3213



Schedule "A" for File No. DAZ 246/04, Riel Community Committee, dated September 13/04



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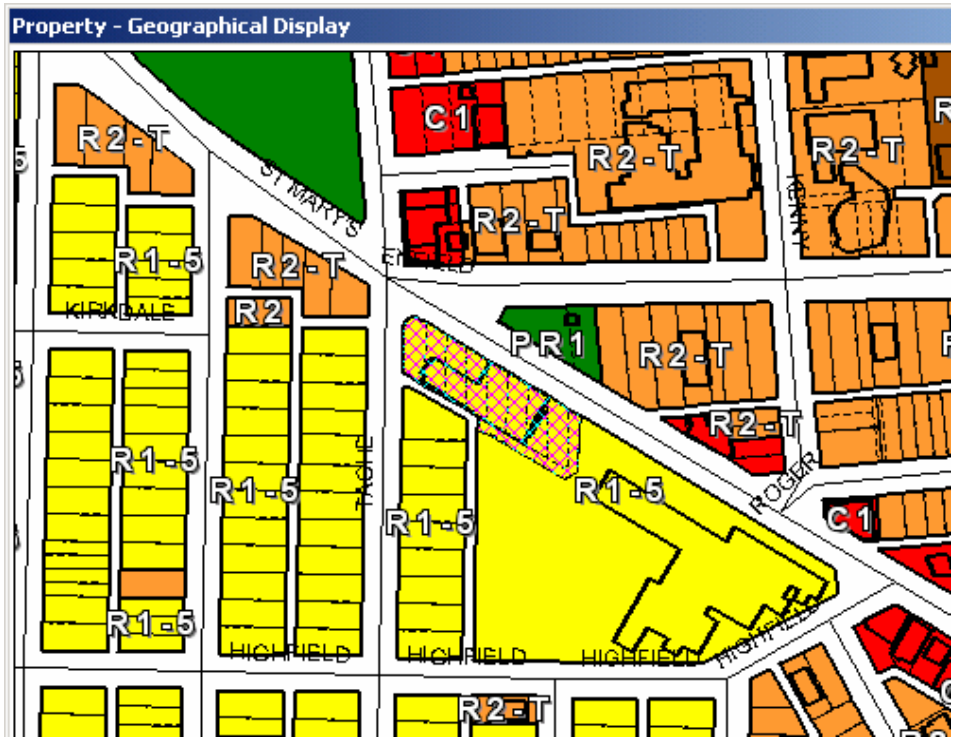

Figure 2: Site and Surrounding Zoning