Minute No. 607
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 18 Subdivision and Rezoning – 2106/2120 Portage Avenue
File DASZ 22/2005

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 22/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2005 dated June 8, 2005, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2005 dated June 8, 2005, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement on proposed Parcels C and D, with the City, pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. That final plans for the existing and proposed parking areas, including the type of landscape material (i.e. plant species, size and quantity), surface materials, parking layout, fencing detail, lighting and garbage enclosures shall be submitted to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development**."**

   B. That the use of "C2" Commercial District lands be restricted to the following:
      i. parking area, non-accessory;
      ii. accessory Uses.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of that portion of the land located to the east of the existing developed parking area (i.e. Proposed Parcel C).

Report - Standing Policy Committee on Property and Development - July 5, 2005

COUNCIL DECISION (continued):

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the Assiniboia Community Committee, with the following amendment, namely:

- That recommendation 3.A. be deleted in its entirety and replaced with the following:

  "3.A. That final plans for the existing and proposed parking areas, including the type of landscape material (i.e. plant species, size and quantity), surface materials, parking layout, fencing detail, lighting and garbage enclosures shall be submitted to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development**."**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 2106/2120 Portage Avenue**
File DASZ 22/2005 [c/r DAV 132210/2005D]

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

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **June 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 22/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2005, dated June 8, 2005, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2005, dated June 8, 2005, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement on proposed Parcels C and D, with the City, pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That a final plan for the existing and proposed parking areas, including, the type of landscape material (ie. plant species, size and quantity), surface materials, parking layout, fencing detail, lighting, and garbage enclosures, be subject to the approval of the Assiniboia Community Committee prior to the issuance of a building permit.

    B. That the use of "C2" Commercial District lands be restricted to the following:
        i. parking area, non-accessory;
        ii. accessory Uses.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of that portion of the land located to the east of the existing developed parking area (i.e. Proposed Parcel C);

5. 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.

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9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated June 8, 2005

2. There is a Plan Winnipeg amendment in existence which contains limits on what can be constructed in this area.

3. Unlike previous applications, this applicant took the time to work with the area residents resulting in a well thought out compromise, protecting adjacent property owners and resolving of issues.

PUBLIC HEARING SUMMARY

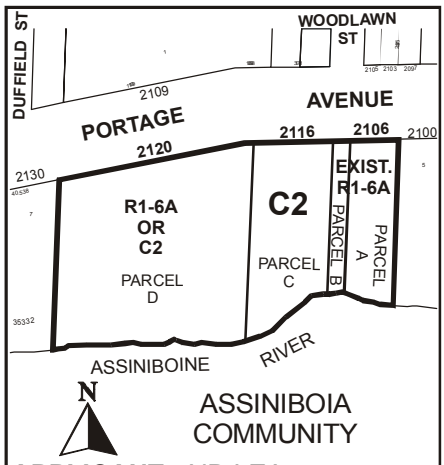
File: DASZ 22/2005 [c/r DAV 132210/2005D]]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: June 21, 2005
Council Building, 510 Main Street

Applicant: ND LEA (Donovan Toews)

Subject:



APPLICANT : ND LEA
FILE : DASZ 22/05
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-6A" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. R. Humble, Planner at 986-2688.**

Premises Affected: 2106/2120 Portage Avenue

Exhibits Filed:

1. Application dated May 26, 2005
2. Notification of Public Hearing dated June 1, 2005
3. Manitoba Status of Titles 1347709; 1514138; 1898482
4. Letter of authorization dated May 20, 2004 from Réal J. Cloutier, Chief Operating Officer, Deer Lodge Centre to ND LEA Engineers & Planners Inc.
5. Letter of authorization dated April 23, 2005 from Murray and Linda Malcolmson, to ND LEA Engineers & Planners Inc.
6. Plans, Sheets 1 to 2 inclusive, for File DAV 1332120/2005D dated May 26, 2005
7. Report from the Manager of Planning and Land Use dated June 8, 2005
8. Inspection Report
9. Presentation submitted by applicant at the public hearing.

REPRESENTATIONS:

In Support:
Donovan Toews, ND LEA
Réal Cloutier, Deer Lodge Centre
Murray and Linda Malcolmson
Kevin Scott

In Opposition
Tom Hardern
Jody and Michael Harris
Val Klassen

For Information:
Nil

For the City:
Mr. R. Humble, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

The applicant Donovan Toews, ND LEA accompanied by Réal Cloutier, Deer Lodge Centre appeared in support of the application and gave a brief overview on the development. Mr. Toews submitted a written presentation filed as Exhibit No. 9. He stated that they ensured area residents were informed and had made compromises to eliminate issues. He also stated that they had read the administrative report and were in concurrence.

The Senior Planner stated that the premises affected was restricted to a parking area.

In response to committee's questions, Réal Clouter stated that vertical parking structure was not economically viable.

Murray Malcolmson appeared in support of the application. Mr. Malcolmson stated he had been informed of the application and the applicant had been overwhelmingly open, helpful, willing to listen to concerns, and made changes to meet requests, making this a model of how business and the community can come together.

Jody and Michael Harris appeared in opposition to the application. Ms Harris stated that although they appreciated the changes made to the original plan, they were still concerned that the application was not consistent with Plan Winnipeg. She also stated that the existing parking lot was only partially used throughout the day, and could only see parking issues for an hour or two a day.

Val Klassen appeared in opposition to the application. Ms Klassen stated concerns with the need for additional parking, as the lot currently is often empty, and if there would be future requirements for parking. She also stated that public transportation should be encouraged.

In rebuttal, Réal Cloutier stated that there is a demand for parking and public transportation had not been looked at for employees. Donavan Toews stated that if there were not a demand, the application and public consultation process would not have been made, including the efforts in sensitive design for area residents.

Exhibit "7" referred to in File DASZ 22/2005 [c/r DAV 132210/2005D]

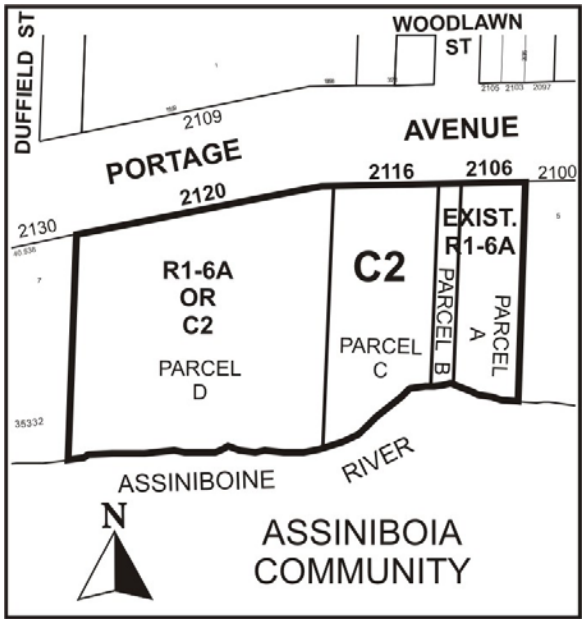
Winnipeg

Planning, Property and Development Department Report

To the Assiniboine Community Committee

Date: June 8, 2005
File: DASZ 22/05
Related Files: DAV 05/132210/D
Subject: Subdivide and Re-zone the land located on the south side of Portage Avenue from "R1-6A" Residential District to "C2" Commercial to permit the expansion of an existing surface parking lot.

Location: 2106 / 2120 Portage Avenue
Legal Description: Lots 2/4, Plan 11637 in RL 21 to 23 Parish of St. James



Applicant: Mr. Donovan Toews, ND Lea Engineers & Planners Inc.
Owner(s): Deer Lodge Centre
Murray A. Malcolmson
Linda J. Malcolmson

RECOMMENDATION:

That the application be approved with Conditions.

REPORT SUMMARY:

- The applicant is proposing to establish a non-accessory surface parking lot, consisting of 64 spaces;
- In conjunction with the proposed development, the subject property will require a rezoning from "R1-6A" Residential to "C2" Commercial;
- Concurrent with the re-zoning a subdivision application has also been made;
- An existing single-family dwelling on the subject property would require demolition;
- The applicant is proposing to retain all of the mature trees on the site in addition to establishing a significant separation between the proposed parking lot and the existing residences to the east.

SITE DESCRIPTION:

Existing Land Use and Zoning

The subject site consists of 3 separate lots, which are identified in Figure 1. The site is located on the south side of Portage Avenue in the Deer Lodge neighbourhood of the St. James Ward. Lot 2, Plan 11637 is zoned "R1-6A" Residential and is occupied by a non-accessory surface parking lot and accessory maintenance building on its west side and a single-family dwelling on the its east side. Lot 3, Plan 11637 is vacant and is zoned "R1-6A". Lot 4, Plan 11637 is also zoned "R1-6A" Residential and is occupied by a single-family dwelling.

Surrounding Land Use and Zoning

North: Portage Avenue then Deer Lodge Centre ("R1-5.5A" Residential) and commercial establishments between Woodlawn and Belvidere Streets ('C2' Commercial)
South: Assiniboine River
East: Residential dwellings ("R1-6A" Residential)
West: Apartment building ("RM-6A" Residential)

The approximate area of Lot 2, Plan 11637 is 3.5 acres. The existing surface parking lot encompasses an area of ± 2.75 acres, while the remainder of the lot is approximately 0.75 acres.



Figure 1: Aerial Photo of Subject Site (Flown 2002)



Figure 2: Subject site with existing single-family dwelling to be demolished



Figure 3: Existing surface parking lot located west of proposed parking lot

PROPOSED DEVELOPMENT:

Deer Lodge Centre (DLC) wishes to expand their existing non-accessory surface parking lot by adding 64 surface parking spaces along the eastern portion of their property (i.e. Lot 2, Plan 11637). In order to accommodate the proposed parking lot expansion, an existing single-family dwelling and detached garage will require demolition (see Figure 2).

In conjunction with the proposed parking lot development, DLC proposes to subdivide the contiguous vacant property to the east (see Figure 1 - Lot 3, Plan 11637) and deed a portion of it (approximately 20 feet of frontage) to be consolidated with Lot 4, Plan 11637 (owned by the Malcomson's). The remainder of Lot 3, would remain "R1-6A" Residential and would be retained as a 25 foot wide buffer between the proposed surface parking lot and the Malcomson's property (i.e., Lot 4).

As previously noted, the subject site is zoned "R1-6A" Residential District and therefore the existing non-accessory surface parking lot is considered a legal non-conforming use. In order, however, to expand the surface parking, a re-zoning to "C2" Commercial District is required. Regarding the re-zoning, two options are being proposed as outlined below. *Option A* is the preferred option of the applicant and *Option B* is the preferred and recommended option of the Planning and Land Use Division. These options are as follows:

Option A (Applicant's Preferred Option):
That the subject property (Lot 2, Plan 11637) be subdivided into two parcels – Parcel "C" and Parcel "D" (refer to Schedule A). Parcel "D" would accommodate the existing surface parking lot as a non-conforming use and remain zoned "R1-6A" Residential. Parcel "C" would accommodate the proposed parking lot expansion and would be rezoned from "R1-6A" Residential to "C2" Commercial.

Option B (Planning and Land Use Division's Preferred and Recommended Option):
That the subject property (Lot 2, Plan 11637) be maintained in its entirety and that the entire lot be re-zoned from "R1-6A" Residential District to "C2" Commercial District.

The Planning and Land Use Division prefer this option as it establishes zoning consistency with respect to the use of the subject property as a non-accessory surface parking lot and provides an opportunity to allow the site to be developed comprehensively.

Overview of Deer Lodge Centre

Deer Lodge Centre (DLC) is a treatment / care home facility that is situated in a mature residential neighbourhood in West Winnipeg. The campus consists of four main buildings:

- Deer Lodge Centre – a 477-bed personal care home/rehabilitation centre;
- North Pavilion – houses Hospice and Palliative Care Manitoba offices, DLC Information Services, an Adult Day Care program and various meeting rooms;

- South Pavilion – includes the St. James Senior's Centre and a 55-bed care facility;
- Women's Tribute Building – will house the future Movement Disorder Clinic.

DLC presently employs approximately 900 personnel with approximately 350 on duty during a normal weekday day shift. There are approximately 250 volunteers at the centre, with about 30 on duty during a typical day shift. Parking supply at DLC consists of approximately 294 parking spaces spread over 3 surface lots – 2 of which are located on the north side of Portage and 1 non-accessory lot on the south side (i.e. subject property). The south lot has an available supply of 198 spaces which are used by staff, visitors with passes and volunteers.

BACKGROUND:

- DLC's non-accessory surface parking lot that is south of Portage Avenue and west of the proposed parking lot is currently zoned "R1-6A" Residential. Under Zoning By-law 6400 this non-accessory parking lot is considered a legal non-conforming use. Subsequently any proposed expansion to this parking lot would precipitate a re-zoning.
- DLC informally identified a parking shortage a number of years ago. In 2000, an application to re-zone (DAZ 219/00) the subject property to "C2" to allow for additional parking was denied. At that time, it was felt that the proposed parking expansion would have a detrimental impact on the surrounding residential neighbourhood. Further, as there was minimal consultation with the surrounding property owners Administration advised that DLC should undertake meaningful consultation with the local residents, prior to proceeding with any new formal development applications;
- DLC continued to experience a parking shortage. Overflow parking in the adjacent community continues to be problematic. Changes at DLC, including additional seniors programs and future Mobility Clinic have further increased demand for parking;
- DLC retained ND Lea to prepare a comprehensive parking analysis in September 2003. The analysis concluded that parking on adjacent streets and existing surface lots are at 'capacity' at specific times of the day. A range of 70 to 140 additional stalls were recommended;
- A formal and extensive consultation program was undertaken, including staff survey of parking needs, community survey and follow-up Open House to review and comment on parking options, and a series of special meetings with the adjacent property owners south of Portage Avenue. This consultation process began in October, 2003 and continued up to the time of application;
- On the Deer Lodge Centre site, north of Portage Avenue, the east parking lot was recently redesigned and constructed resulting in both an increase in parking stalls and an increase in greenspace. Sixteen (16) new stalls were created, slightly reducing the overall on-street parking demand;
- DLC continued to meet with property owners south of Portage, particularly the directly adjacent landowners to the east (Malcomson's – Lot 4, Plan 11637). DLC and the owners of Lot 4 have come to an agreeable solution, that includes a sensitively treated parking lot design that preserves all of the mature trees, a 65 foot setback from their west property line

and 20 feet of land deeded to the Malcomson's to ensure their continued use of the land and landscape buffering treatment through consultation.

ANALYSIS:

Plan Winnipeg Compliance
The subject site is located in a Plan Winnipeg Neighbourhood Policy Area. Relevant policies of Plan Winnipeg include:

3E-04 ***Protect, Preserve, and Maintain Riverbanks.*** *The City shall endeavour to protect, preserve, and maintain its riverbanks and shall promote riverbank development which is environmentally appropriate and sensitive to the aesthetic qualities of the landscape.*

3E-05 ***Protect Riverbank Aesthetics.*** *The City shall protect the aesthetic quality of riverbank lands under public ownership and shall encourage its protection on privately-owned land.*

5A-13 ***Protect Existing Neighbourhoods.*** *The City shall evaluate new developments to protect existing neighbourhoods from unacceptable economic, environmental or social impacts.*

In reviewing the proposed development in relation to the aforementioned policies, Administration is of the opinion that the applicant has endeavoured to preserve and maintain the integrity of the riverbank by establishing a significant setback between the south edge of the parking lot and the edge the riverbank (between 40 feet and 75 feet). Further, by preserving the mature tree, shrubbery and minimizing grade changes, the aesthetic qualities of this riverbank property have been substantially maintained. Finally, by establishing a significant buffer between the proposed parking lot and the existing single-family residences to the east any negative impacts that the proposed parking lot may have on the surrounding neighbourhood have been mitigated.

Zoning
As previously mentioned, the subject site will require a re-zoning from "R1-6A" Residential to "C2" Commercial in order to permit a non-accessory surface parking lot. In conjunction with the proposed subdivision and re-zoning, a variance application has been made (DAV 05-132210/D) for the following:

1) To vary the "R1-6A" district regulations of Zoning By-Law No. 6400/94 for the establishment of a parcel to permit a lot width of 24.9 feet instead of 60 feet (see Figure 2 – Parcel B);
2) To vary the proposed "C2" district regulations of Zoning By-Law No. 6400/94 for the establishment of a non-accessory parking area to permit:
    a. a front yard of 17 feet instead of 20 feet; and
    b. no west side yard instead of 10 feet along the side lot line of an abutting residential district.

Compatibility with Existing Neighbourhood and Surrounding Uses

Deer Lodge Centre (DLC) and its consultant ND Lea Engineers and Planners have undertaken an extensive public consultation process, particularly with the residents living on the south side of Portage Avenue, including the landowner (i.e. Malcomson's) immediately adjacent to the proposed parking lot expansion. This consultation, which included a number of meetings, surveys and a neighbourhood open house, resulted in a proposal that represents a significant improvement from previous proposals, in terms of its protection of the natural environment and sensitivity to adjacent land uses. Elements of the plan include:

- A 68 foot buffer between the east edge of the proposed parking lot and the existing west lot line of the Malcomson's property (Lot 4, Plan 11637);
- Retaining a mature bush cluster between the proposed parking lot and the lands to the east;
- Retaining all of the existing mature trees by designing the parking layout around the pattern of trees;
- Minimizing significant changes to the existing grade (minor adjustments within 0.3 metres);
- Drainage to the centre of the lot and drained directly into the City system;
- Construction of a 6 foot fence along the east property line;
- Establishing enhanced landscaping along the wooden fence to provide an additional green buffering.

Transportation and Site Access

There will be no new approach to the site created off Portage Avenue. Access to the proposed parking lot will be via the existing parking lot to the west.

Airport Vicinity Protection Area

The subject property is located in Area 1 of the Airport Vicinity Protection Area. The Airport Vicinity Protection Area Zoning By-Law restricts the intensification of residential development in the area. Although multiple family residential development is not possible on these properties. Replacement and minor infill residential development are permitted as well as other non-residential uses.

Land Dedication

If the Community Committee sees merit in *Option B* (i.e. entire parcel rezoned from "R1-A" to "C2") as identified and preferred by the Planning and Land Use Division, land dedication will be a significant issue for DLC. Accordingly, your Committee may wish to consider recommending ***that the ten (10) percent dedication be waived for the portion of the property occupied by the existing non-accessory surface parking lot (i.e. area referred to as Parcel D on Schedule A)***. The rationale being:

- The existing surface parking lot has been in existence for some time;
- The Administration is recommending that a consistent zoning category be established on the entire parking area to ensure that the property functions as one parking lot with appropriate access and development standards;

- The recommended Zoning Agreement would limit the use of the land to a parking lot and accessory uses only; therefore, no additional rights are granted on the existing parking area through the rezoning;
- Should future amendments to the Zoning Agreement allow for additional development, it would be appropriate for dedication to be accessed at that time.

Site Design Issues
In conjunction with the proposed rezoning and parking lot expansion, a landscape concept plan has been developed for both the proposed parking lot expansion and existing surface parking lot. If the rezoning is approved, it is recommended that detailed landscape plans be submitted for Schedule "A" Plan Approval by the Assiniboia Community Committee. With that in mind, Administration provides the following summary of site design elements and issues for the Committee's consideration:

Proposed Surface Parking Lot:

- It is important that the existing mature trees not only be retained, but that they are also able survive in the long-term. Although a maintenance bond cannot be taken, it is recommended that during the construction of the parking lot, the applicant provide for a certified Arborist to be on site during any excavation or works occurring around the root zones of the trees;
- Provide enhanced screening and landscaping around the perimeter of the parking lot, in particular along the north, west and eastern edges of the property;
- That all on-site lighting be equipped with shielding, lenses or cut-off devices to eliminate light trespass onto the street or abutting lot;
- That a pedestrian walkway linkage be established between the parking lot and sidewalk for both safe and convenient passage.

Existing Surface Parking Lot:

Currently, the existing surface parking lot, located on the west side of the site, has little or no landscaping either within the parking area or around its perimeter. Aesthetically speaking, it establishes an unappealing visual image along Portage Avenue for its entire length (approximately 350 feet). Accordingly, Administration is of the opinion that consideration be given to ensuring a significant enhancement to the overall appearance of the parking lot. In discussions with applicant and their Landscape Architect, they are proposing the following improvements:

- In the existing grass boulevard area, along Portage Avenue, plant thirteen (13) Elm trees, spaced approximately 20 feet apart;
- Along the north side of the existing parking fence, plant a Pygmy Caragana Hedge to help screen the visual appearance of the parking area;
- Maintain the existing light proof fence that runs along the north property line, but provide detail improvements along its north side;
- Establish landscape entrance features to the parking lot

While Administration recognizes that the aforementioned landscape improvements would positively add to the visual appearance of the existing parking lot, consideration might be given to more substantive enhancements that would have an even greater visual impact for the area. These may include:

- Incorporating pockets of landscaping (i.e. landscape islands) within the parking lot to break up the expansive "sea of asphalt". This may require a reconfiguration of the parking spaces;
- In certain sections of the front row of parking that fronts onto Portage Avenue, allow for areas of landscaping to intrude into the parking lot. This would aid in breaking-up the visual monotony of parking along Portage Avenue, while establishing a more pleasant streetscape;
- Define and establish pedestrian connections between the parking lot and the sidewalk.

RECOMMENDATION:

The Planning and Land Use Division recommends approval of *Option B*, being the subject property remain consolidated and that it be re-zoned in its entirety from "R1-6A" Residential District to "C2" Commercial District.

RECOMMENDED CONDITIONS OF APPROVAL:

I. That the plan of subdivision proposed under File No. DASZ 22/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 22/05, attached hereto and dated June 8, 2005, for registration in the Winnipeg Land Titles Office.

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

III. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 22/05, attached hereto and dated June 8, 2005, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement on proposed Parcels C and D, with the City, pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That a final plan for the existing and proposed parking areas, including, the type of landscape material (ie. plant species, size and quantity), surface materials, parking layout, fencing detail, lighting, and garbage enclosures, be subject to the approval of the Assiniboia Community Committee prior to the issuance of a building permit.

B. That the use of "C2" Commercial District lands be restricted to the following:
   a. Parking area, non-accessory;
   b. Accessory Uses.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of that portion of the land located to the east of the existing developed parking area (i.e. Proposed Parcel C);

V. 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.

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

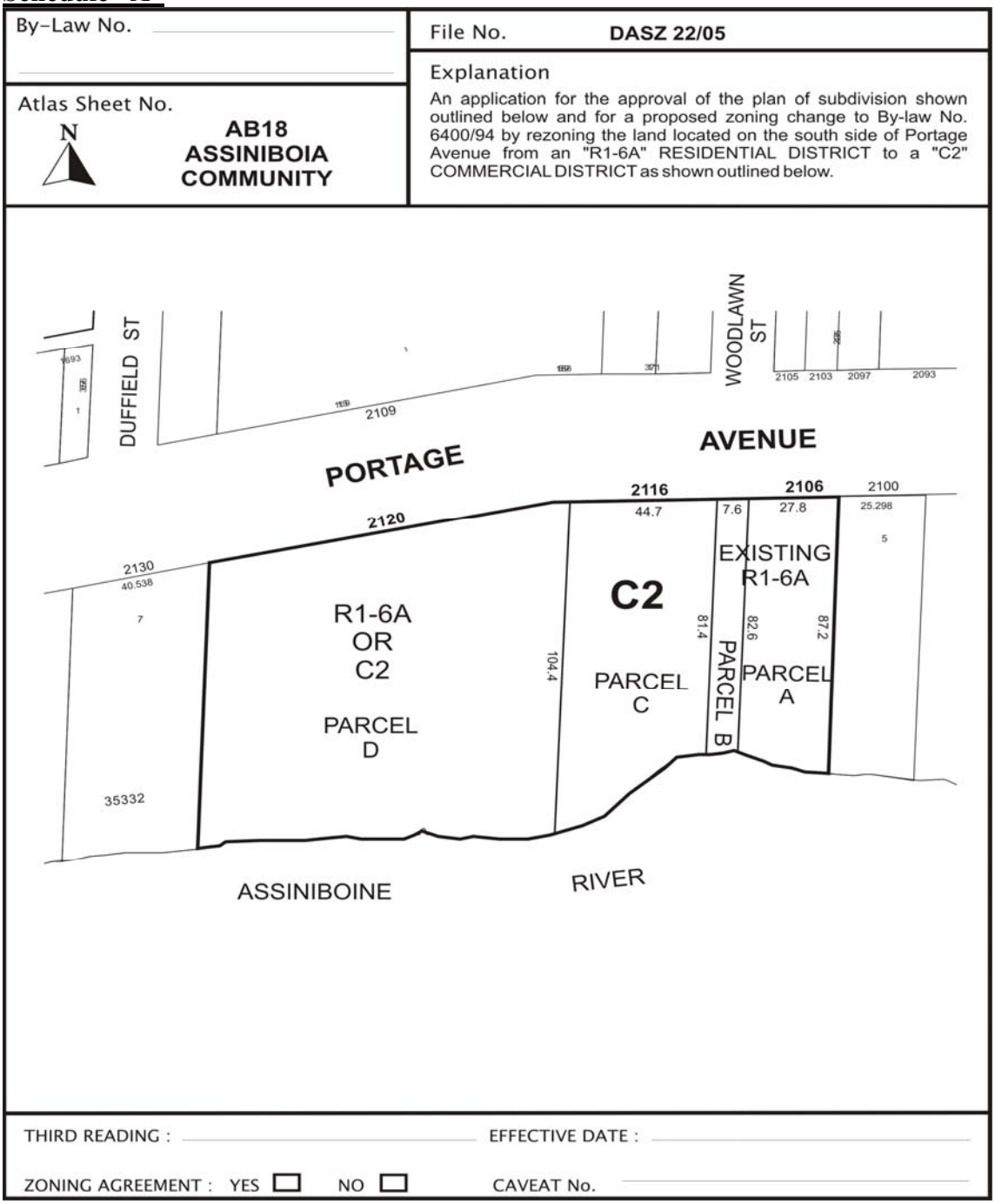
VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Randy Humble, District Planner
PPD File # DASZ 22/05

Schedule "A"



Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 22/2005, dated June 8, 2005.