Agenda - Council - October 26, 2005

Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 20 Subdivision and Rezoning - 390 Burnell Street
File DASZ 38/2005

STANDING COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 38/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2005 dated August 18, 2005, for registration in the Winnipeg Land Titles Office.

2 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 38/2005 dated August 18, 2005, to an "R2" Residential District.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

5. 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.

6. 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.

7. 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.

8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - October 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 390 Burnell Street**
File DASZ 38/2005 [c/r DAV 142434/2005D and DCU 142443/2005D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **September 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre 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 38/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2005, dated August 18, 2005, for registration in the Winnipeg Land Titles Office.

2 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 38/2005, dated August 18, 2005, to an "R2" Residential District.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

5. 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.

6. 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.

7. 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.

8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

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

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated August 18, 2005.

2. The development is an improvement in safety for the site.

PUBLIC HEARING SUMMARY

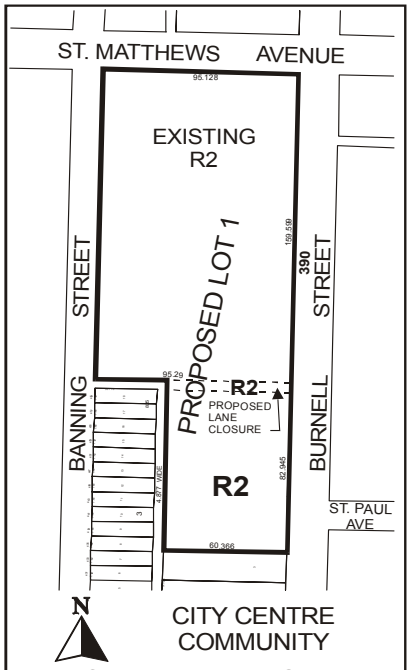
File: DASZ 38/2005
[c/r DAV 142434/2005D and DCU 142443/2005D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: West Committee Room
Council Building, 510 Main Street

Applicant: Winnipeg School Division No. 1(Andrew J. Truss)

Subject:



APPLICANT : WINNIPEG SCHOOL DIVISION
FILE : DASZ 38/05
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 a "C1" COMMERCIAL DISTRICT to an "R2" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: land adjacent south and including 390 Burnell Street

Exhibits Filed:

1. Application dated July 28, 2005
2. Notification of Public Hearing dated August 9, 2005
3. Manitoba Status of Titles 1764931 and 1764922
4. Surveyor's Building Location Certificate and sketch dated November 27, 1996
5. Surveyor's Building Location Certificate and sketch dated March 19, 2001
6. Sketch of subject property
7. Plan (1 page)
8. Report from the Manager of Planning and Land Use dated August 18, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Andrew J. Truss, Winnipeg School Division No. 1
Florence B. Antonio

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Andrew J. Truss, Winnipeg School Division No. 1, appeared in support of the application and stated concurrence with the recommendations contained in the report from the Manager of Planning and Land Use dated August 18, 2005.

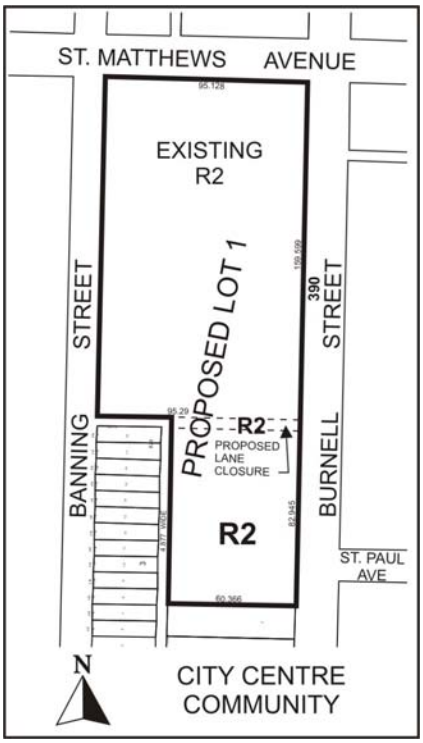
Exhibit "8" referred to in File DASZ 38/2005 [c/r DAV 142434/2005D and DCU 142443/2005D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	August 18, 2005
File:	**DASZ 38/05**
Related Files:	[DAV 05-142434D, DCU 05-142443D]
Subject:	Rezone SP Lot 1, adjacent and south of SP Lot 2 known as 390 Burnell Street (existing school) from a 'C2' Commercial District to an 'R2' Residential District and consolidate the said lands into proposed Lot 1 in conjunction with the purchase and closure of the public lane west of Burnell Street, south of St. Matthews Avenue.
Location:	Land adjacent south and including 390 Burnell Street
Legal Description:	SP Lot 1 & SP Lot 2, Plan 33989 WLTO in RL 63 & 64 Parish of St. James



Applicant: Winnipeg School Division (Andrew J. Truss)
Owner: Winnipeg School Division

Recommendation: Approved with Conditions

Site Description

Existing Land Use and Zoning

The application includes 3 parcels south of St. Matthews Avenue between Banning and Burnell streets; a 3.75 acre, (15, 181 square metres +/-) parcel zoned 'R2' Residential occupied by the Greenway School, playground, parking lot and bus loop, a 1.23 Acre (5,006 square metres +/-) parcel, zoned 'C2' Commercial, which also includes a portion of the school playground. The third parcel involved with the application is the section of the back lane that runs east west separating the two school parcels.

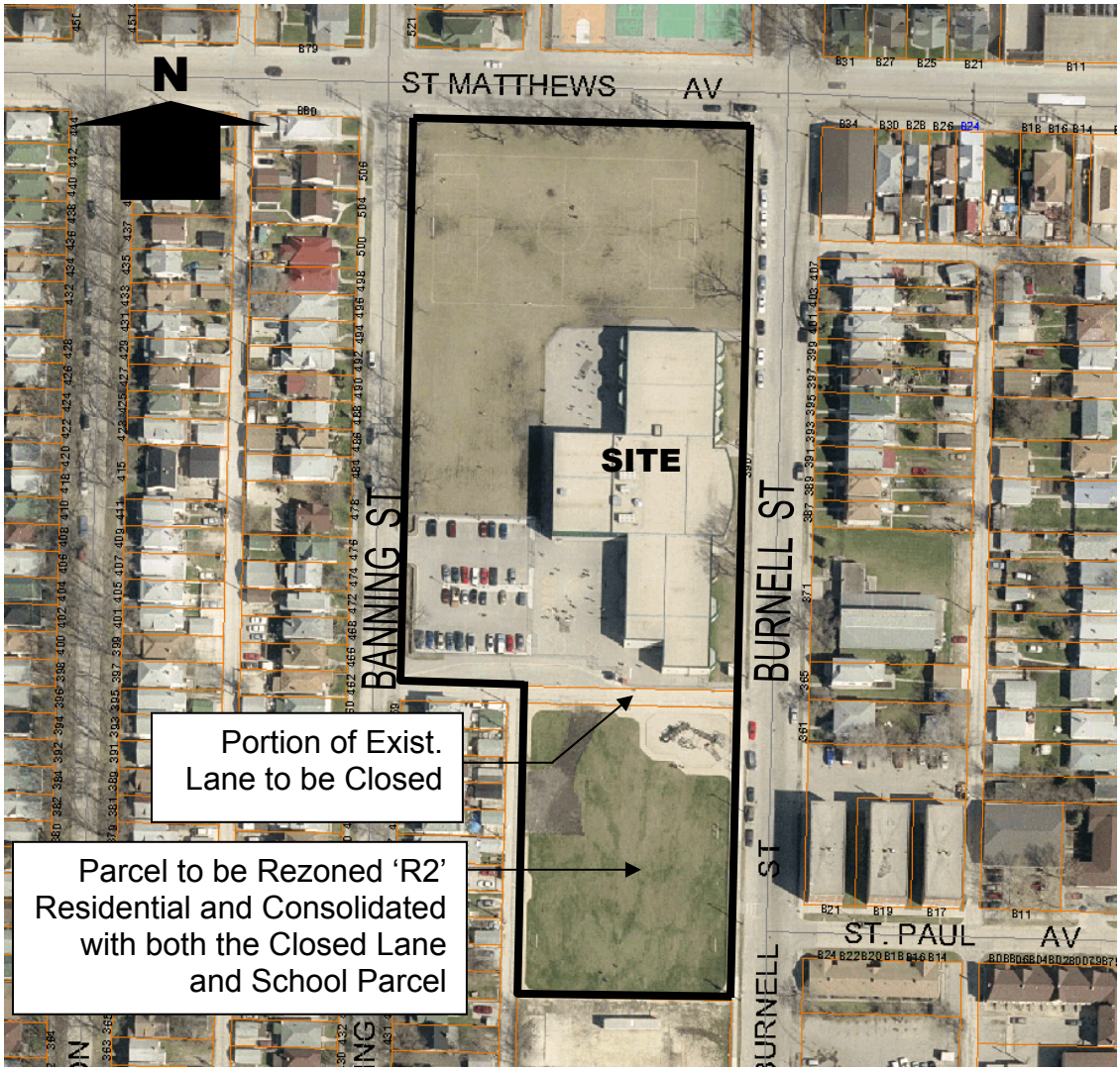


Figure 1: Subject Site (Aerial Photograph Flown 2002)

Surrounding Land Use and Zoning
North: St. Matthews Avenue then 'R2-T' Residential
South: 'C2' Commercial
East: Burnell Street then 'R2-T' Residential
West: Banning Street then 'R2' Residential

Description of the Proposed Development

The rezoning application is accompanied by a variance to permit the maintenance of the school building and structures and a conditional use to permit the maintenance of the school use itself. The intent is to consolidate the separate play areas, closing the back lane to public use while still allowing the school busses to use the lane for drop off and pick up.

Analysis

Plan Winnipeg Compliance
The Public Safety, Health and Education chapter in Plan Winnipeg discusses policies such as; 4A. Making Our Communities Safer and 4B. Promoting Safety Through Design. Presently, a public lane running east west bisects the Greenway School playground. Students and teachers must regularly cross the lane to access all of the schoolyard play areas, fields and structures. By consolidating the parcels and closing the lane the Winnipeg School Board is increasing the safety of those moving back and forth between the two school properties.

Transportation and Site Access
Although the lane will be closed to the public it will still function as and internal driveway to permit the school bus circulation. The entrance onto the lane from Burnell Street will be gated. The gate will be opened at the beginning and the end of the school day to allow the arrival and departure of the school buses. Bollards and the school's garbage enclosure will be located at the west end of the lane.

Site Design Issues
The School Division has hired a Landscape Architect to provide site development drawings for the lane closing, gates, fencing, bollards and landscaping. The applicant indicated that they would provide a painted pedestrian walkway across the lane. The Branch will recommend to the School Division that the garbage bin(s) be set within an appropriately screened garbage enclosure.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- It complies with Plan Winnipeg 4A-01 & 4B-03
- It is compatible with the existing neighbourhood and uses

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 38/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 38/05, attached hereto and dated August 18, 2005, for registration in the Winnipeg Land Titles Office.

II 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 38/05, attached hereto and dated August 18, 2005, to an "R2" Residential District.

III. 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.

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

V. 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.

VI. 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.

VII. 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.

VIII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

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

Report Prepared by: James Veitch, District Planner - City Centre Ward
PPD File # DASZ 38/05

Schedule "A"

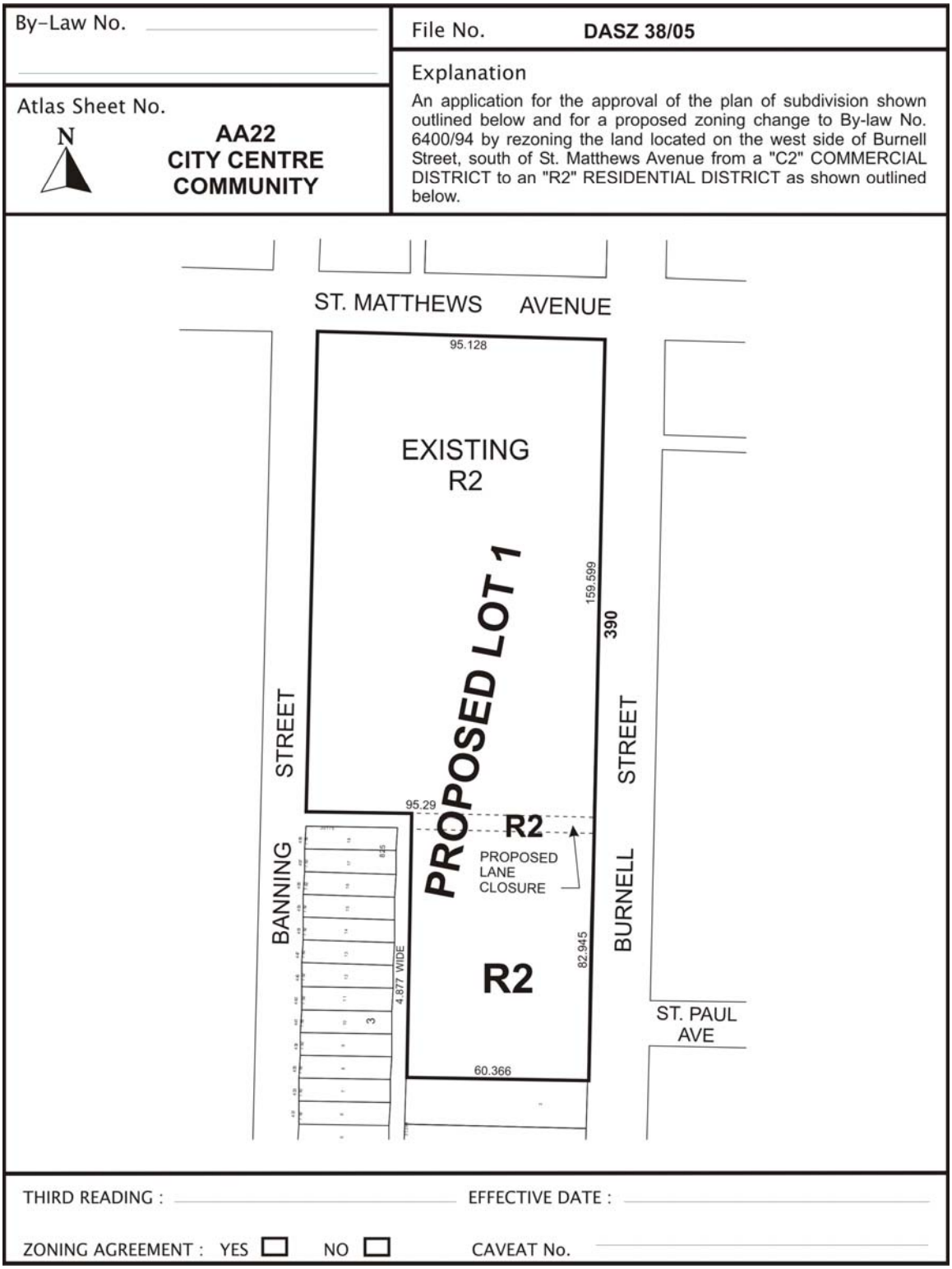


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 38/2005, dated August 18, 2005.