Agenda – Executive Policy Committee – September 21, 2006

Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 9 Subdivision and Rezoning - 35 Tecumseh Street
File DASZ 25/2006 [c/r DAC 12/2006]

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 25/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2006 dated June 30, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 19, 2006.

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 outlined on Schedule "A" for File DASZ 25/2006 dated June 30, 2006, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That final plans showing the location, design and materials of structures, private approaches, fencing, lighting, landscaping, and hardscape materials and design be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any development permits, to be developed in substantial conformance with those plans and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

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 the land and the creation of additional sites.

Report - Standing Policy Committee on Property and Development – September 5, 2006

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. 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.

9. 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.

10. 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.

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

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

Agenda – Executive Policy Committee – September 21, 2006

Report - Standing Policy Committee on Property and Development – September 5, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning/ - 35 Tecumseh Street**
File DASZ 25/2006 [c/r DAC 12/2006, DCU 136848/2006D, DAV 136858/2006D]

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **August 9, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 2006, the Lord Selkirk-West Kildonan 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 25/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2006 dated June 30, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 19, 2006.

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 outlined on Schedule "A" for File DASZ 25/2006 dated June 30, 2006, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

    A. That final plans showing the location, design, and materials of structures, private approaches, fencing, lighting, landscaping, and hardscape materials and design be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any development permits; to be developed in substantial conformance with those plans and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

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 the land and the creation of additional sites.

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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7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. 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.

9. 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.

10. 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.

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

12. 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.

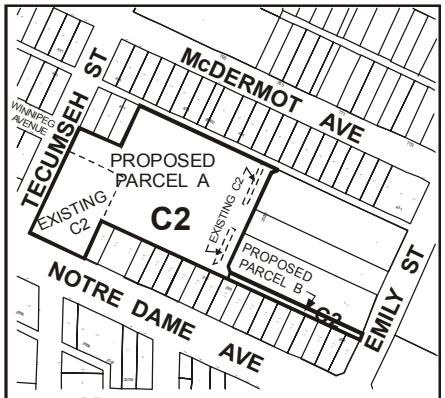
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated June 30, 2006 and in the report from the Administrative Coordinating Group dated July 19, 2006.

PUBLIC HEARING SUMMARY

File:	DASZ 25/2006 [c/r DAC 12/2006, DCU 136848/2006D, DAV 136858/2006D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor Pagtakhan Councillor O'Shaughnessy
Public Hearing:	July 25, 2006 West Committee Room Council Building, 510 Main Street
Applicant:	Stantec Architecture Ltd. (Rick Derksen)

Subject:



LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : STANTEC ARCHITECTURE LTD.

FILE : DASZ 25/06

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 "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement on the subject land. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: 35 Tecumseh Street

Exhibits Filed:

1. Application dated June 16, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Titles 1719129, 1719232, 1728123, 1723128, 1723199, 1723208, 1724182, 1724187, 1724188, 1724190, 2052727, 2089446, 2098136, 2129798, 2134825, 2148690, 2148692 and 2148694
4. Letter of authorization dated May 26, 2006 from Winnipeg Regional Health Authority to Stantec Architecture Ltd.
5. Plan
6. Site Plans (3 pages)
7. Report from the Planning and Land Use Division dated June 30, 2006
8. Report from the Administrative Coordinating Group dated July 19, 2006
9. Inspection Report
10. Presentation made by Dana Erickson, Vice-President and Chief Administrative Officer, Health Sciences Centre, at the public hearing, in support of the application
11. Supporting documentation, including three (3) letters from patients relative to the parking situation at the Health Sciences Centre, submitted by Dana Erickson, Vice-President and Chief Administrative Officer, Health Sciences Centre, at the public hearing

REPRESENTATIONS:

In Support:

Barry Law
Elizabeth Beaupré
Charlene Birston
Barb Bunko, Health Sciences Centre
Val Buschau, Health Sciences Centre
Richard Derksen, Stantec Architecture Ltd.
Rejeanne Dupuis, University of Manitoba
John Embil, Health Sciences Centre
Dana Erickson, Health Sciences Centre
John Kirby
W. Roy Kirby
R. La Rosa
Ted LeBlond, Stantec Architecture Ltd.

Leo Ledohowski, Canad Inns
Ana Malbasa
James Ripley
Morton Rosenberg
Bethany Schillerman
H. Shulz
Taras Sokolyk
Lisa Stiver

In Opposition:

Ted Alfonso
John Callahan
Rowena Callahan
Fred Curry
C. Collins
Beth Fernandes
Maria Ferreira
Antonio Ferreira
Richard Gagnon
Eric Gashaetz
Sandra Guiboche
Martha Holubrowich
Louis Holubowich
Sherrie Houle
Avelina Leyda
Jose Vi Leyda
Ron Martin
Cynthia Martinos
Harold Martinos
Valerie Martinos
Ttonca McLeod
Susan Natynczyk
Shane Oleschak
Lisa Quan

For Information:

John and Joyce Blanchette
I.S. Pfeffer
Bryan Pragides
John Reilly

Mr. and Mrs. Armando Reyes
George and Amanda Rousson
Edward Schmidt

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Dana Erickson, Vice-President and Chief Administrative Officer, Health Sciences Centre, appeared in support of the application. Mr. Erickson stated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated June 30, 2006 (Exhibit 7). He submitted and read into the record his presentation filed as Exhibit 10. He also submitted supporting documentation, filed as Exhibit 11, illustrating the parkade and the impact the lack of parking is having on patients attending the Health Sciences Centre. Mr. Erickson emphasized the need for additional parking inasmuch as approximately 4000 parking stalls are needed at the Health Sciences Centre and the capacity of the present parkade is just over 2900. Mr. Erickson noted the Health Sciences Centre must provide appropriate and safe access for its patients to the medical services and clinical expertise it offers, and stated this is one of the top priorities of the Health Sciences Centre which is hindered by a parking problem that has spilled over into the neighbourhood. Mr. Erickson commented the proposed Tecumseh parkade would provide a safe work environment for the staff, and create a safe and secure environment for the patients, families and visitors at the Health Sciences Centre.

Barb Bunko, Patient Representative, Health Sciences Centre, also appeared in support of the application. She read into the record three (3) letters from patients expressing concern relative to the parking situation at the Health Sciences Centre, filed as Exhibit 11. She agreed the proposed parkade would provide better access for patients at the Health Sciences Centre.

Dr. John Embil, Director, Infection Prevention & Control, Health Sciences Centre, also appeared in support of the application and reiterated the need for additional parking at the Health Sciences Centre. He drew Committee's attention to the difficulty patients at the Health Sciences Centre have in getting in and out of the facility and noted that the Health Sciences Centre is often requested by its patients to write letters to the Magistrate requesting that their parking tickets be waived because of the lack of parking in and around the Health Sciences Centre. He stated there is something fundamentally wrong if a Hospital cannot provide safe and effective parking for its patients and the proposed parkade would serve to do this.

Rejeanne Dupuis, Campus Architect, on behalf of the University of Manitoba, also appeared in support of the application. She reinforced the need for additional parking at the Health Sciences Centre and apprised Committee of the fact that the University of Manitoba relies on the Health Sciences Centre for parking for its 1200 students attending the Health Sciences Centre.

Charlene Birston, also appearing in support of the application, advised Committee that as she resides in Niverville, Manitoba, she cannot rely on the City transit services to make her appointments at the Health Sciences Centre and must drive. She stated the opinion the parking situation at the Health Sciences Centre is ridiculous, inasmuch as she often has to park several blocks away from the Health Sciences Centre. Ms Birston reiterated the need for more parking at the Health Sciences Centre.

Roy Kirby, also appeared in support of the application, and stated he is well aware of the parking problem at the Health Sciences Centre given that he has been an out-patient seventy-five (75) times in the last twenty-six (26) months. He agreed that we need to find a way to find parking for people when they have to go to the Health Sciences Centre, and the proposed parkade would serve to address that need. He drew Committee's attention to the fact that patients don't go to the Health Sciences Centre because they want to, but rather because they have to and parking should be available to them.

Catherine Collins, appearing in opposition to the application, advised Committee that she too, is a patient of the Health Sciences Centre, but is also a resident of the area. She stated that a larger plan needs to be developed at the provincial level, together with The City of Winnipeg to develop a transit system that would bring people from the outside to the Health Sciences Centre. She was of the view that building more parking spaces at this time was only a temporary solution to the parking problem at the Health Sciences Centre.

Ron Martin, also appearing in opposition to the application, advised Committee he resides on Winnipeg Avenue. He recognized the problem that the patients at the Health Sciences Centre have with respect to the lack of parking but stated that the residents of the community should not have to pay the price for the lack of parking in the area. He suggested that the employees of the Health Sciences Centre should consider taking public transit rather than drive to work so as to free up more parking spaces for the patients and visitors. Mr. Martin also stated concern relative to neighbourhood safety with the addition of 1200 more vehicles parking with the new Tecumseh parkade and questioned what could happen to the children of the community when crossing at the crosswalk on Tecumseh Avenue going to and from Wellington School with the increased traffic. He apprised Committee of the fact that he attended the open house held by the Health Sciences Centre and was not opposed to a parkade but rather to a parkade that did not take into consideration the concerns and/or suggestions of the area residents who live in the community.

Harold Martinos, also appeared in opposition to the application, and advised Committee that he is a resident of Elgin Avenue. He reiterated the concern raised by Ron Martin and stated that when he attended the open house, the residents were led to believe that changes would be made to the plan, but nothing has been done to address the funnelling of the cars at Tecumseh Avenue.

Fred Curry, also appeared in opposition to the application, and advised Committee that he is a resident of Dorchester Avenue. He reiterated the concerns of the residents on Winnipeg Avenue with respect to having the exit for the proposed parkade going down Winnipeg Avenue, a completely residential street. In this connection, Mr. Curry suggested the application should perhaps be adjourned to allow the Health Sciences Centre, the architects and the area residents to explore other means of getting 1200 cars out of the proposed parkade rather than exiting onto Winnipeg Avenue, as proposed. Mr. Curry also suggested that City Council has the authority to request the Province of Manitoba to engage in a planning process with the residents for a resident-friendly plan that would accommodate the needs of the Health Sciences Centre and the people who live there.

Sandra Guiboche, also appearing in opposition to the application, stated that although she resides on Alexander Avenue, she is affected by the parking problem at the Health Sciences Centre and traffic generated therefrom. In this connection, Ms Guiboche noted that nurses and hospital workers will park on the residential streets in the vicinity of the Health Sciences Centre rather than in the parkade.

Armando Reyes, also appeared in opposition to the application, and advised Committee that he has resided on Bannatyne Avenue for the last eighteen (18) years and during that time, has seen substantial changes. He advised Committee that his home is now surrounded by parking lots and expressed concern for the safety of his children and the children of the neighbourhood with this trend.

In rebuttal, Dana Erickson stated finding a parking solution that everyone is okay with has been a very long ordeal and noted that the Health Sciences Centre has been planning for a parking expansion for approximately five (5) years. He stated that as far as he is aware, the Health Sciences Centre has met every obligation and requirement around this proposal, including having voluntary meetings with the neighbours whereby a number of suggestions were put forward for revising the project. He commented that some were fairly reasonable but acknowledged that change is difficult and empathized with the residents who expressed concern. Mr. Erickson re-emphasized that access to essential health care services for vulnerable people is currently hindered by a parking problem that has spilled into the neighbourhood in terms of unwelcome traffic and parking, and the proposed parkade offers a solution to this problem. He further stated the proposed parkade would provide a safer neighbourhood by eliminating motorists circling the neighbourhood looking for parking. In summation, Mr. Erickson urged Committee to concur with the administrative recommendation and recommend approval of the application.

Exhibit "7" referred to in File DASZ 25/2006

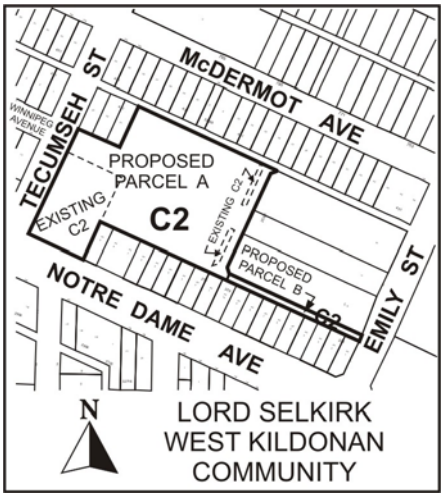
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **June 30, 2006**
File: **DASZ 25/06**
Related Files: **DAV 06-136858D, DCU 06-136848D**
Subject: **Application to rezone and subdivide the subject lands for the development of a parking structure**

Location: **35 Tecumseh Street (East Side of Tecumseh Street between Notre Dame and McDermot Avenues)**



Applicant: **Stantec Architecture**
Owner: **Winnipeg Regional Health Authority**

Recommendation: **Approval**

Report Summary:

- **The applicant is proposing to construct a six storey, 1100 stall parkade on the subject lands**

- **The Health Sciences Centre has demonstrated a need for additional parking**
- **This development will require the closing of Winnipeg Avenue east of Tecumseh Street (DAC 12/2006)**

Site Description

The subject lands, which are zoned "C2" Commercial and "R2" Two-Family Residential, include two vacant lots, three surface parking lots, several residences, and the right-of-way for Winnipeg Avenue.

The lands, which are west of Tecumseh Street between Notre Dame Avenue and the public lane that runs through the block bounded by Winnipeg Avenue to the south and McDermot Avenue to the north, are located in the West Alexander neighbourhood of the Point Douglas Ward

North: Surface parking lot zoned "C2" Commercial
South: Institutional use zoned "C2" Commercial, then Notre Dame Avenue
East: Parking structure zoned "C2" Commercial
West: **To the immediate west is a place of worship, zoned "R2" Residential. Further to the west is Winnipeg Avenue, then residences zoned "R2" Two-Family Residential**

Background
The Health Science Centre (HSC) recently submitted a parking needs assessment and traffic impact study to the City. In this study, HSC indicated that based on current demand during peak periods, approximately 800 people are on a waiting list to obtain parking at the HSC. Furthermore, during peak periods, a survey of on-street parking availability showed that virtually all on-street metered parking, 80% of all nearby two hour street parking, and 70% of all one hour street parking is occupied. They conclude that based upon current parking demands and future plans for development in the area, there is a need to develop a new parking structure.

Description of the Proposed Development
The Health Sciences Centre is proposing to construct an approximately 38,000 square metre (409,000 square foot), 1100 stall parking structure immediately west of the existing Emily Street parkade. This parkade will be similar in design to the Emily Street parkade and is in response to HSC's current and future parking demand, which is discussed in the traffic impact and parking study, which was prepared in support of this application.

The WRHA currently owns all the property on the north and south sides of Winnipeg Avenue east of Tecumseh Street, with the exception of the place of worship at the northeast corner of that intersection. In light of this, WRHA wishes to demolish the existing homes, close and then purchase Winnipeg Avenue from the City, and then rezone and assemble the land into one parcel for the purposes of developing a parking structure.

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with the surrounding area
The proposed development is immediately adjacent to the Emily Street parkade, an identical use. Grouping these facilities together makes them more functional from both a user's and a facility maintenance perspective. At the same time, the proposed height is not dissimilar to surrounding buildings and will not cause shadowing for neighbouring residents, who are not in close proximity. The adjacent place of worship, which is in closest proximity, will still have full exposure to the south and to Notre Dame Avenue. In light of the above, the Division believes that the parking structure is compatible with the surrounding area.

Traffic
The parking structure will have one entrance and exit, off of Tecumseh Street. It was concluded in the applicant's traffic impact study that traffic generated by the parkade will cause further delays at the Tecumseh-Notre Dame intersection and in response, installation of traffic signals at that intersection is recommended in order to decrease delays and improve traffic flow to and from the new parking structure. At the time of this writing, the Public Works Department was still in the process of reviewing the analysis and preparing specific recommendations.

Site Lines
The proposed parkade addition will closely resemble the Emily Street parkade and will be constructed with pre-cast concrete spandrel panels and precast concrete structural tees and columns. The stairwells will be transparent, with curtain wall glazing from top to bottom.

Noise
Similar to a recommended condition of approval for the Health Science Centre William Avenue parkade and a condition of approval for the University of Manitoba Tecumseh Street parkade, it is recommended that maintenance to the facility only be conducted between the hours of 7:00am and 10:00pm, with the exception of snow removal, in order to be sensitive to the needs of adjacent residents. A condition to this effect has been included.

Lighting
Similarly, while the parkade requires lighting during its hours of operation, mitigation measures should be taken to ensure that lighting does not glare onto adjacent properties. Also, the applicant is advised to provide pedestrian level safety lighting, if required, along any side of the building with pedestrian activity.

Landscaping
It is recommended that landscaping be provided at the foundation of the parkade along all public sides – which would include the south and west elevations – in order to break up the mass of the

building and to soften the overall appearance. Specifically, the Division recommends increasing the amount of landscaping at the southwest corner, by the parkade entrance, and adding foundation landscaping along the south side of the parkade exposed to Notre Dame Avenue.

Pedestrians
Similarly, it is recommended that pedestrian crossings be treated with a raised, decorative paving material in order to slow traffic, create a more comfortable walking environment for pedestrians, and to provide a safer atmosphere for the disabled. With thousands of cars each day interfacing with pedestrians at this location, it would be beneficial to provide this amenity.

Likewise, it is recommended that an enhanced pedestrian walkthrough be provided between the parking structures to allow for safe pedestrian movement between buildings and to the rest of the Health Campus.

Adjacent surface lot
The adjacent surface parking lot, which is on the same property, lacks adequate landscaping and contains some fencing which is in disrepair. Therefore, it is recommended that HSC add landscaping along the Tecumseh Street and Notre Dame frontage and replace any existing fencing that is in disrepair in order to meet current City By-law requirements for the visual enhancement of parking lots.

Public Consultation
The HSC held an open house on July 5, 2006 to discuss their plans with the community. A main concern brought up by residents at the meeting was the potential for increased traffic on local streets adjacent to the parkade. In response, Health Science Centre has agreed to provide for traffic calming measures on adjoining streets – pending a review of the need and what measures are available. These measures could include restricting through traffic, slowing traffic on local streets, and/or other options that are deemed appropriate and supported by the community.

Recommendation
The parking structure will offer great benefit not only to HSC but the area in general by relieving the existing parking shortage, which has created pressure for surface parking lots, illegal shotgun parking behind residential properties, and parking on residential streets. Conditions will help ensure that the expansion is designed in a way that mitigates potential impacts from glare, traffic, noise, and sight lines. These conditions are included in the ACG report and the associated conditional use report (DCU 06-136848/C).

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

- **The Health Sciences Centre has a demonstrated need for additional parking**
- **The proposed development is compatible with the area**
- **Conditions are being included to ensure that the parking structure is designed in a way that mitigates potential impacts**

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 25/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/06, attached hereto and dated June 30, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated _____;

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 25/06, attached hereto and dated June 30, 2006, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

A. That final plans showing the location, design, and materials of structures, private approaches, fencing, lighting, landscaping, and hardscape materials and design be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any development permits; to be developed in substantial conformance with those plans and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

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 the land and the creation of additional sites.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.**

IX. 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.

X. 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.

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

XII. 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: Michael Robinson, AICP
PPD File # 3.105

Schedule "A"

By-Law No. _____

File No. **DASZ 25/06**

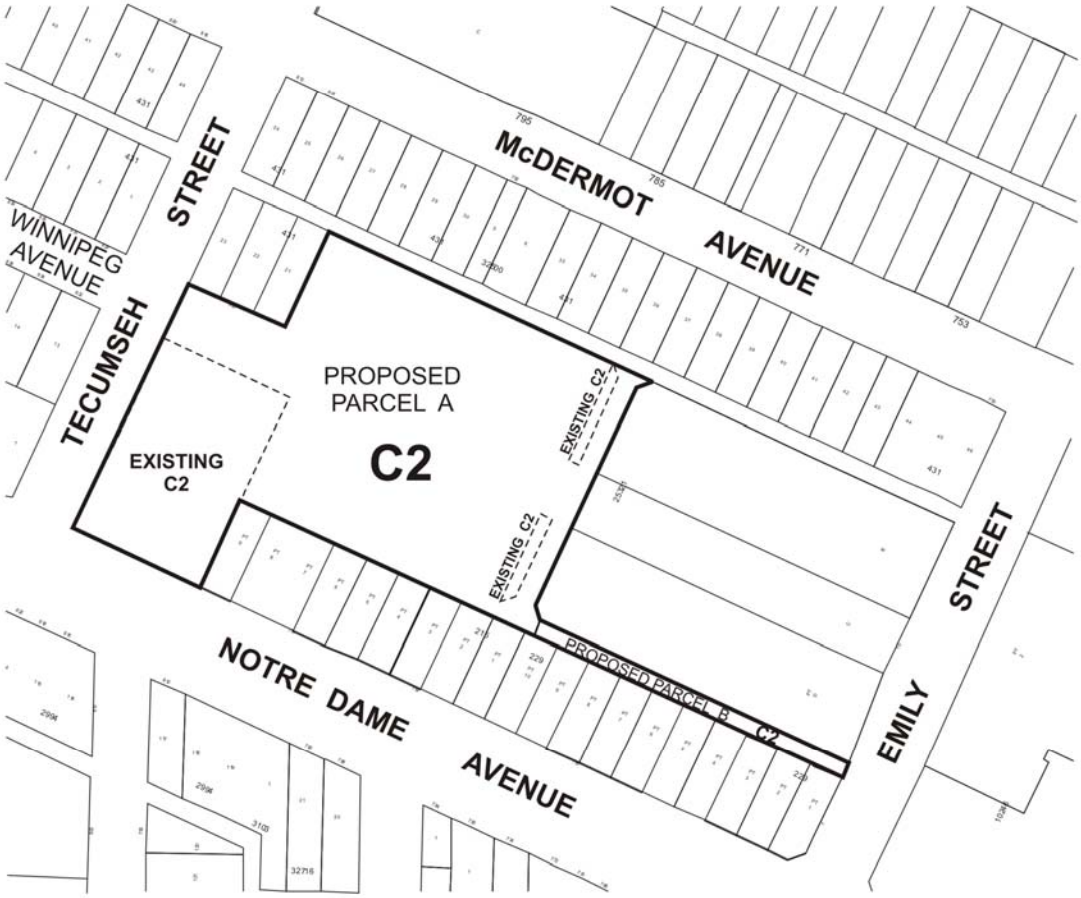
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N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 35 Tecumseh Street from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement on the subject lands as shown outlined below.



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File No. DASZ 25/06, dated June 30, 2006.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

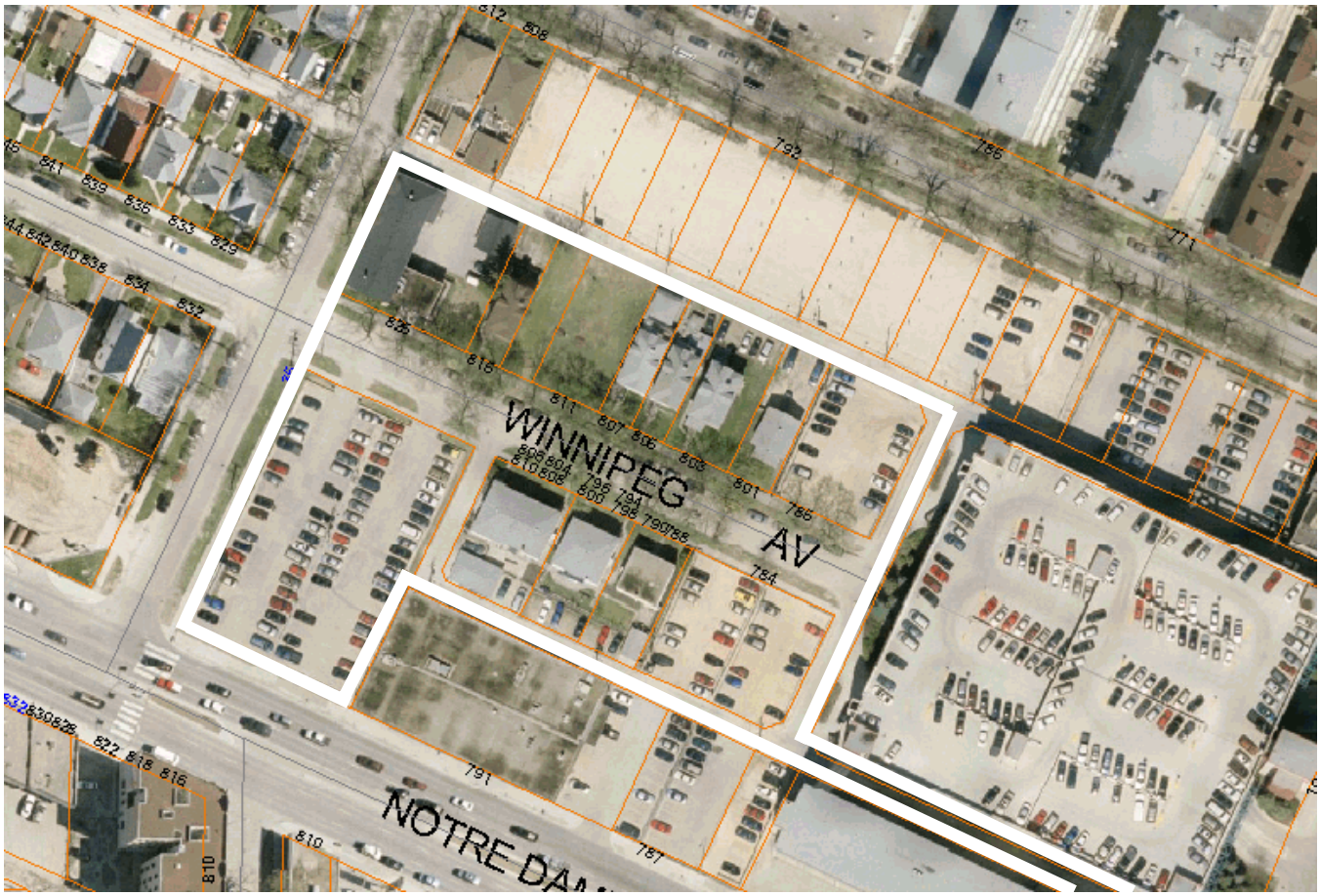


Figure 1: Aerial Photo (Flown in 2005)

Exhibit "8" referred to in File DASZ 25/2006 [c/r DAC 12/2006, DCU 136848/2006D, DAV 136858/2006D]

Re: Proposed subdivision and rezoning of land located at 35 Tecumseh Street (East Side of Tecumseh Street between Notre Dame and McDermot Avenues) – DASZ 25/06

An application has been submitted by Stantec Architecture Ltd. to subdivide and rezone land located at 35 Tecumseh Street (East Side of Tecumseh Street between Notre Dame and McDermot Avenues).

The Public Works Department is finalizing details of a traffic study provided by the applicant at the time of this writing. It is recommended that:

1. The Developer shall enter into a Servicing Agreement to pay the full cost of the installation of traffic control signals and all related works, including, but not necessarily limited to pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Notre Dame Avenue and Tecumseh Street all when and as determined by the Director of Public Works.
2. The Developer shall post a Letter of Credit in the amount of $50,000.00 to guarantee payment for traffic calming works which may be required on Winnipeg, McDermot and Bannatyne Avenues, between Tecumseh and Arlington Streets as determined to be necessary by the Director of Public Works within two years following the opening of the proposed parking structure.

If additional recommendations are forthcoming from the traffic study it is recommended that these items be addressed in further consultation with the Community Committee.

It is further recommended that approval of this application be subject to the Developer entering into a servicing agreement containing the following:

1. The Developer shall, shall, at no expense to the City, reconnect the property known as 825 Winnipeg Avenue to the existing combined sewer in Tecumseh Avenue, and abandon the existing combined sewer within the streets and lanes being closed, all as determined by and to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, construct a watermain in Tecumseh Street from Notre Dame Avenue to McDermot Avenue, and abandon the existing watermain within the portion of Winnipeg Avenue being closed, all as determined by and to the satisfaction of the Director of Water and Waste.
3. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the servicing agreement.
4. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation and abandonment of services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. DASZ 25/06
July 19, 2006

"Original signed by K.T. Raban"
[for]Land Development Engineer

"Original signed by T.S. Josephsonn"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division