Agenda – Council – September 27, 2006

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

Item No. 12 Subdivision and Rezoning - 99-105 Euclid Avenue
File DASZ 28/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 28/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2006 dated June 30, 2006, 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 outlined on Schedule "A" for File DASZ 28/2006 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 conditions:

    A. That the development be built in substantial accordance with plans submitted dated July 17, 2006, and identified as Sheets 1 to 2 for File DASZ 28/2006, and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

    B. That a parking study shall be submitted to and accepted by the Director of Planning, Property, and Development prior to the issuance of development permits for all buildings not identified as Phase I on the plans submitted dated July 17, 2006, and identified as Sheets 1 to 2 for File No. DASZ 28/2006.

    C. That land usage be restricted as follows:

        i. The following uses shall be permitted on the land:

            a. restaurant (maximum floor area of 2,500 square feet)
            b. laundry, self-service
            c. daycare centre

d. art/antique: sales, service
e. art/crafts/hobby: instruction, supplies
f. artisan, crafting of custom products
g. bakery, baked goods sales (maximum 1,000 square feet of production)
h. banking/teller machines
i. farmers market
j. museum, art gallery
k. office
l. recreation centre
m. shelter house
n. studio
o. trade school, business college
p. university, college, technical school

4. That the ten percent (10%) dedication in lieu of the requirement for land dedication be waived in this instance.

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.

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

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.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submitted the matter to Council.

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, with the following amendment, namely:

- That Recommendation No. 3.A. be amended by deleting the words "final plans" in the first line thereof and substituting the words "the development",

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 with the following amendment, namely:

- That Recommendation 4 be deleted and replaced with the following new Recommendation 4, namely:

    "4. That the ten percent (10%) dedication in lieu of the requirement for land dedication be waived in this instance."

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

RE: **Subdivision and Rezoning - 99 Euclid Avenue**
File DASZ 28/2006 [c/r DAV 133859/2006D]

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 4, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 28/006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2006 dated June 30, 2006, 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 outlined on Schedule "A" for File DASZ 28/2006 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 conditions:

    A. That final plans be built in substantial accordance with plans submitted dated July 17, 2006 and identified as Sheets 1 to 2 for File DASZ 28/2006; and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

    B. That a parking study shall be submitted to and accepted by the Director of Planning, Property, and Development prior to the issuance of development permits for all buildings not identified as Phase I on the plans submitted dated July 17, 2006 and identified as Sheets 1 to 2 for File No. DASZ 28/2006.

    C. That land usage be restricted as follows:

        i. The following uses shall be permitted on the land:

a. restaurant (maximum floor area of 2,500 square feet)
b. laundry, self-service
c. daycare centre
d. art/antique: sales, service
e. art/crafts/hobby: instruction, supplies
f. artisan, crafting of custom products
g. bakery, baked goods sales (maximum 1,000 square feet of production)
h. banking/teller machines
i. farmers market
j. museum, art gallery
k. office
l. recreation centre
m. shelter house
n. studio
o. trade school, business college
p. university, college, technical school

4. ***That the ten percent (10%) dedication in lieu of the requirement for land dedication be waived in this instance.***

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 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.

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

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.

PUBLIC HEARING SUMMARY

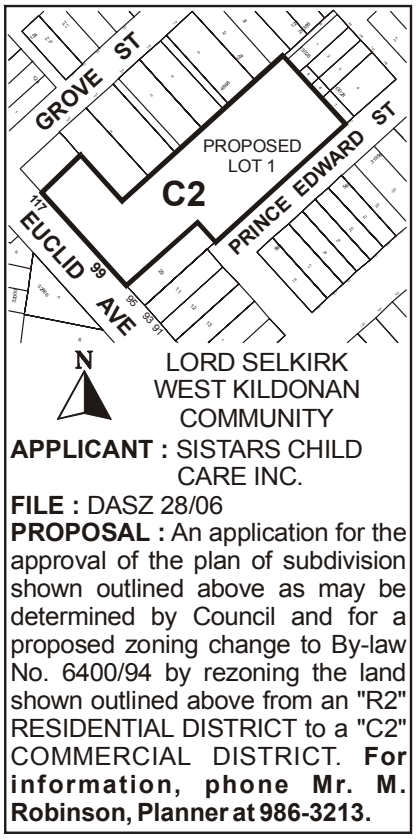
File: DASZ 28/2006 [c/r DAV 133859/2006D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: July 25, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: Sistars Child Care Inc. (Linda Bradley)

Subject:



Premises Affected: 99 - 105 Euclid Avenue

Exhibits Filed:
1. Application dated June 14, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Titles 1385193 and 1783734

4. Letter of authorization dated April 3, 2006 from The City of Winnipeg to Sistars Economic Development Co-op
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated June 30, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Linda Bradley, Sistars Child Care Inc.
Elizabeth Bousquet
Tanya Rae Draper
Sandra Dzedzora
Clarice Egan
Lee Gaylene
Berty Jones
Brenda Rosche
Olive Wreggitt

In Opposition

Nil

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

Linda Bradley, on behalf of the applicant, Sistars Child Care Inc., appeared in support of the application and stated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated June 30, 2006 with the exception of the requirement for the ten percent (10%) dedication and requested whether same could be waived.

Exhibit "6" referred to in File DASZ 28/2006

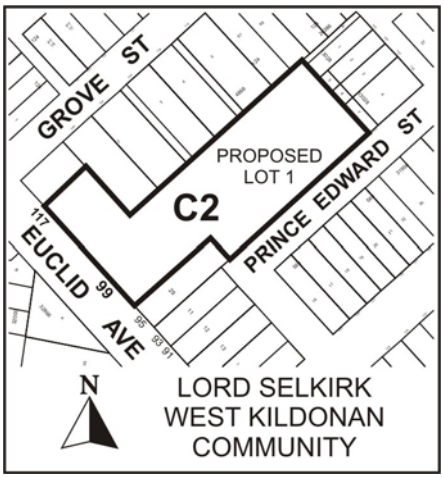
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **June 30, 2006**
File: **DASZ 28/06**
Related Files: **DAV 06-133859D**
Subject: **Application to consolidate two lots into one lot and to rezone the subject lands from "R2" Two-Family Residential to "C2" Commercial for the construction of a day care, art studio, laundromat, and restaurant.**

Location: **99 - 105 Euclid**



Applicant: **Sistars Child Care Inc. (Linda Bradley)**
Owner: **City of Winnipeg**

Recommendation: **Approval**

Site Description

The subject property, which is currently zoned "R2" Two-Family Residential, is located on Euclid Avenue between Grove Street and Barber Street, in the North Point Douglas neighbourhood of the Mynarski Ward.

North: Residences zoned "R2" Two-Family Residential and a commercial use, zoned "C1" Commercial
South: **Residences zoned "R2-T" Two-Family Transitional Residential**
East: Residences zoned "R2" Two-Family Residential
West: Residences zoned "R2-T" Two-Family Transitional Residential

Description of the Proposed Development
SISTARS Community Development Co-op Inc. is proposing to develop a Community Hub, which will provide day care, after school programs, community based college level opportunities, art, health resources, a seniors' drop in, a café, and a laudromat to the North Point Douglas community. SISTARS hope that the Hub, which will also include the renovation and adaptive reuse of the historic Barber House, will be a focal point for community renewal in North Point Douglas.

SISTARS, who currently has an offer to purchase the subject lands from the City of Winnipeg, is requesting approval to rezone and assemble the lands into one parcel in order to establish these uses on the site.

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.

Compliance with other Policy and Plans
Key goals of the North Point Douglas Housing Plan, include the following:
- Develop community services and amenities
- Build community spirit
- Build positive people from within
- Foster community action and activity

In the plan, residents also indicated the need for more daycare facilities and a laudromat.

With that said, the proposed project is a grass roots community effort to realize these goals and to provide the services and support that are desired by the community.

Compatibility with existing neighbourhood and surrounding uses
The subject site, which is vacant, excepting Barber House, is adjacent to residences on three sides. While the applicant has applied for "C2" Commercial zoning, because it provides the most flexibility for the site, they have indicated that they are open to a Zoning Agreement which would place restrictions on the type of commercial uses that could be established. In light of this, conditions are being recommended which will limit the impact of a "C2" Commercial use on adjacent properties.

Transportation and Site Access
Vehicular access to the site will be off of Prince Edward Street. The applicant is proposing a day care drop off area in the City right-of-way (Prince Edward Street) and is providing a total of 8 parking stalls. Given that Prince Edward Street is quite narrow, the Division supports the drop off - believing it will provide more safety for children and improve vehicular circulation on the street. It should be noted that no boulevard trees would be lost as a result of the drop off area.

Parking
There are a limited number of parking spaces provided on site. Consequently, the Division is recommending that prior to the issuance of development permits for each future phases of this project, an updated parking study be submitted to the Director of Planning, Property, and Development. This requirement will provide an ongoing review of parking, to ensure that an adequate supply is in place.

Site Design Issues
The project includes a total of four buildings, which will be phased over time. The first building to be developed will include a daycare center and space for community programs (9,070 square feet). Later phases include the Barber House (1,750 square feet), which will be completely renovated and used as a daycare satellite space, a 1,700 square foot laundromat and café fronting onto Euclid Avenue, and a 1,475 square foot art studio located towards the rear of the property.

The design also includes several community gardens as well as a large amount of open space between buildings.

It should be noted that the site design was based on a survey of 225 households in North Point Douglas and through a process of ongoing community consultations with adults and school children from the community.

Public Input
On July 13, 2005, a community consultation was held where community participants voted almost unanimously to support this project and the above stated end uses for the site.

Heritage
Provincial and City of Winnipeg Heritage officials support the proposed exterior renovations to Barber House, which is a designated Provincial and City of Winnipeg historic site. However, at the time of this writing, final approval from the Province and the City's Historical Buildings Committee is still pending.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:
- **The proposal has broad community support**
- **It forwards the visions and goals of the North Point Douglas Housing Plan**

- **The proposal meets Plan Winnipeg policies which allow for a variety of uses in the Neighbourhood Policy Area**
- **The proposal is compatible with the area**
- **The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;**
- **Restrictions on the type of commercial uses that can be established have been included**

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 28/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/06, attached hereto and dated June 30, 2006, 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 28/06, 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 conditions:

1. That final plans be built in substantial accordance with plans submitted and attached hereto dated July 17, 2006 and identified as Sheets 1-2 for File No. DASZ 28/06; and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development
2. A parking study shall be submitted to and accepted by the Director of Planning, Property, and Development prior to the issuance of development permits for all buildings not identified as Phase I on the the plans submitted and attached hereto dated July 17, 2006 and identified as Sheets 1-2 for File No. DASZ 28/06
3. That land usage be restricted as follows:
   i. The following uses shall be permitted on the land:
      a. restaurant (maximum floor area of 2,500 square feet)
      b. laundry, self-service
      c. daycare centre
      d. art/antique: sales, service
      e. art/crafts/hobby: instruction, supplies
      f. artisan, crafting of custom products
      g. bakery, baked goods sales (maximum 1,000 square feet of production)
      h. banking/teller machines
      i. farmers market
      j. museum, art gallery

k. office
l. recreation centre
m. shelter house
n. studio
o. trade school, business college
p. university, college, technical school

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, (if applicable).

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 # 3.311

Schedule "A"

By-Law No. _____

File No. **DASZ 28/06**

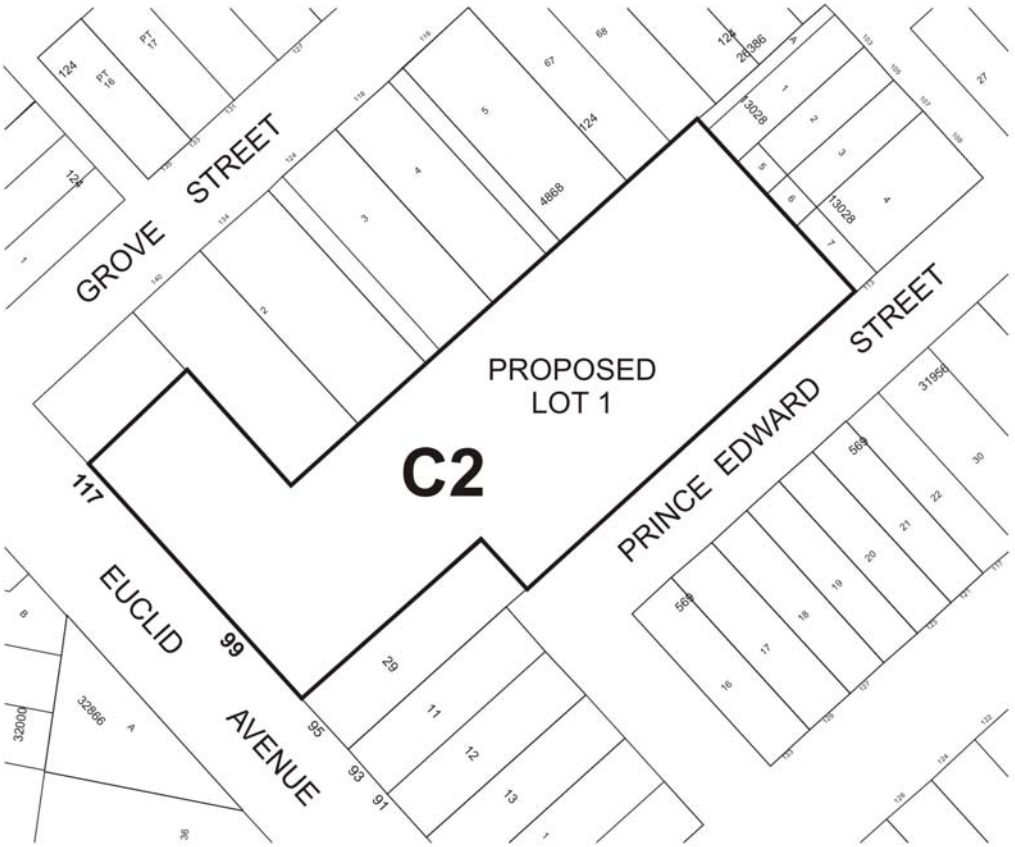
Atlas Sheet No. **Y25**

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 99 Euclid Avenue from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File No. DASZ 28/06, dated June 30, 2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2005)