Agenda – Executive Policy Committee – March 5, 2008

REPORTS

Item No. 4 Rezoning - 790 William Avenue
(Point Douglas Ward)
File DAZ 200/2008

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for DAZ 200/2008 dated February 1, 2008, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That vehicular access shall be prohibited from William Avenue, Tecumseh Street, and the rear public lane.

2. 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.

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 rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 790 William Avenue**
(Point Douglas Ward)
File DAZ 200/2008

For submission to: **Executive Policy Committee**

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

Report date: **February 28, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 26, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for DAZ 200/2008 dated February 1, 2008, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

   i. That vehicular access shall be prohibited from William Avenue, Tecumseh Street, and the rear public lane.

2. 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.

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 rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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 comments contained in the report from the Planning and Land Use Division dated February 1, 2008.

PUBLIC HEARING SUMMARY

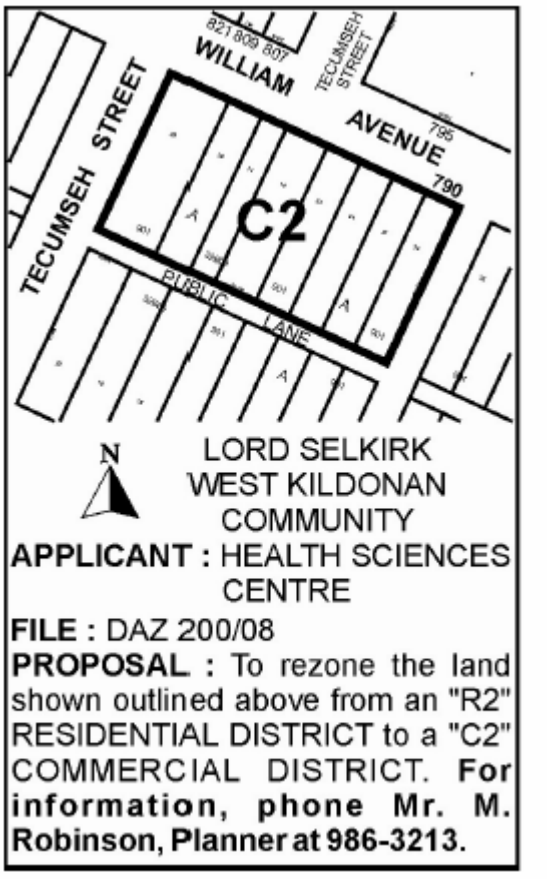
File: DAZ 200/2008

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

Public Hearing: February 26, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Winnipeg Health Sciences Centre (Val Buschau)

Subject:



Premises Affected: 790 William Avenue

Exhibits Filed:
1. Application dated January 11, 2008
2. Notification of Public Hearing dated January 21, 2008

3. Manitoba Status of Title 1986177
4. Letter of authorization dated December 13, 2007 from Manitoba Hydro to Health Sciences Centre
5. Conditional Use Order DCU 214/89 dated October 4, 1989
6. Variance Order DAV 738/89 dated October 4, 1989
7. Variance Order DAV 981/2001C dated December 14, 2001
8. Plan
9. Title Plot
10. Report from the Planning and Land Use Division dated February 1, 2008
11. Inspection Report
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Andrea Edmunds, on behalf of Winnipeg Health Sciences Centre

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DAZ 200/2008

Winnipeg

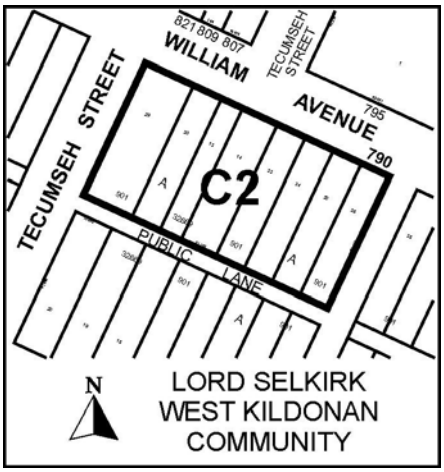
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **February 1, 2008**
File: **DAZ 200/2008**
Related Files: **DAV 1051/2002C, DAV 981/2001C, DCU 214/89, DAV 738/89**

Subject: **Application to amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to a "C2" Commercial District.**

Location: **790 William Avenue**



Applicant: **Health Sciences Centre**
Owner: **Manitoba Hydro**

Recommendation: ***Approval***

Report Summary:

- The subject land has been used as a parking lot since 1989
- Most recently, a five year use variance for a non-accessory parking lot was approved in January, 2003
- The use variance recently expired and a rezoning is now required in order to continue the operation of the parking lot
- The Planning and Land Use Division recommends that the application be approved

Site Description
The subject property, which is zoned "R2" Two-Family Residential, is located at the northeast corner of William Avenue and Tecumseh Street, in the West Alexander neighbourhood of the Point Douglas ward.
North: Bus turnaround and park zoned "R2" Two-Family Residential
South: Residences zoned "R2" Residential
East: Institutional use zoned "C2" Commercial
West: Institutional use zoned "R2" Residential

Background
DAV 1051/2002C
The Board of Adjustment approved a use variance to permit the maintenance of a non-accessory parking area for a period of (5) five years, until January 2008.

DAV 981-2001/C
The Board of Adjustment approved a use variance to permit the maintenance of a non-accessory parking lot until January 31, 2003

DAV 738/89 and DCU 214/89
The City Centre-Fort Rouge Community Committee approved a use variance and a conditional use to permit the establishment of a non-accessory parking lot until April 30, 1991.

Description of the Proposed Development
The applicant wishes to rezone the subject property in order to maintain an existing non-accessory surface. The parking lot has been in place since 1989.

Analysis
Plan Winnipeg
Under Plan Winnipeg 2020, the subject property is located within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

Secondary Plans
A draft Neighbourhood (Secondary) Plan has just been completed and will be scheduled for a public hearing in the next few months. In the Plan, this subject area is within the Institutional Sector, which provides for institutional uses and related parking.

Compatibility of use
The subject property is located on William Avenue and is abutted by institutional uses on three sides. Furthermore, the parking lot has been in existence for some time

Site Design Issues
The parking area will meet all By-Law development standards for fencing and landscaping

Recommendation

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

- The parking lot has been established for some time
- Parking is a significant problem at the HSC and the existing lot is needed by HSC to meet their parking demand
- The subject property is located on William Avenue, which is a commercial street, and surrounded by institutional uses on three sides

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 200/2008 dated February 1, 2008, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That vehicular access shall be prohibited from William Avenue, Tecumseh Street, and the rear public lane

2. 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.

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 rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

7. 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 # DAZ 200/2008

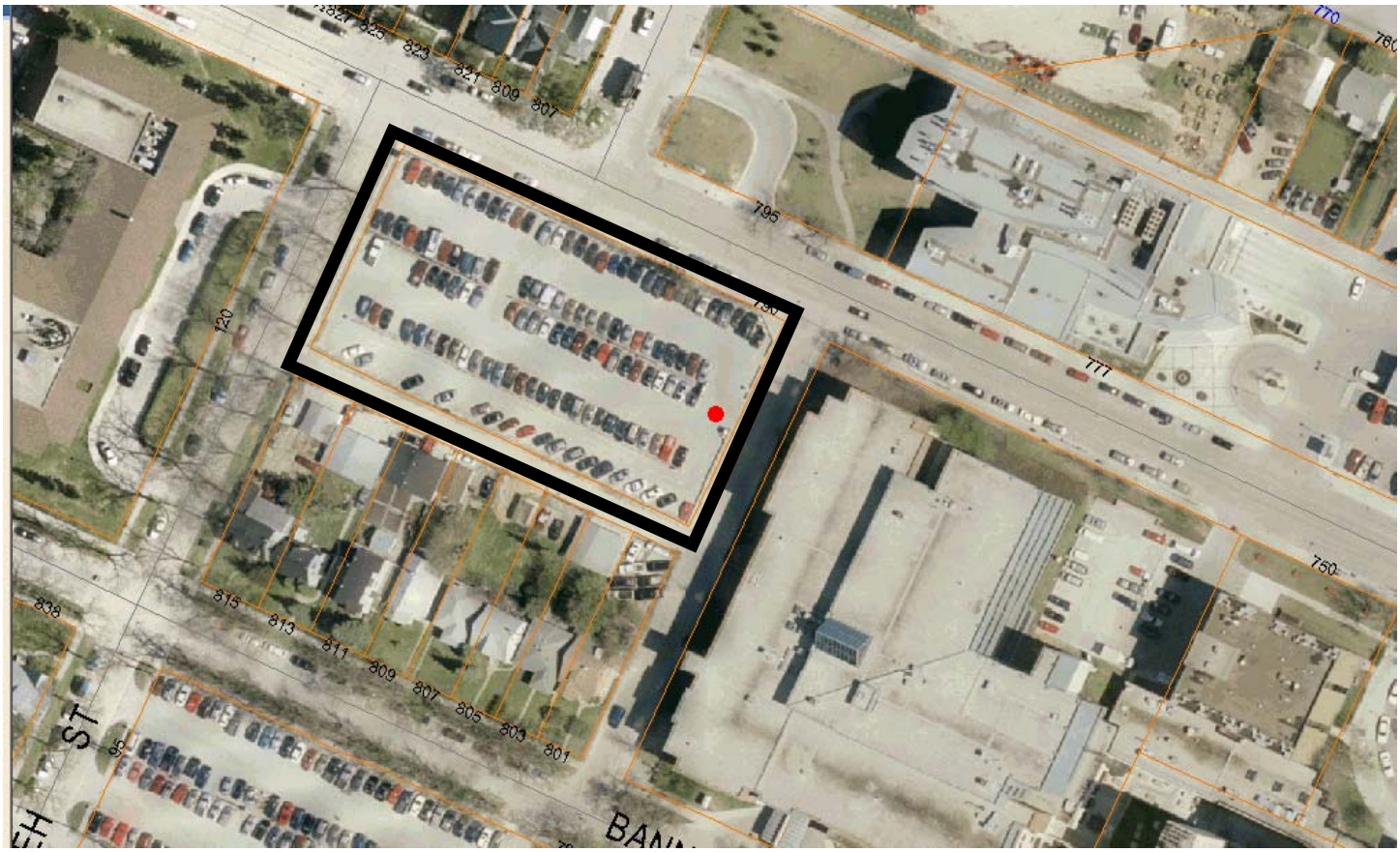


Figure 1: Aerial Photo (Flown in 2005)

Schedule "A"

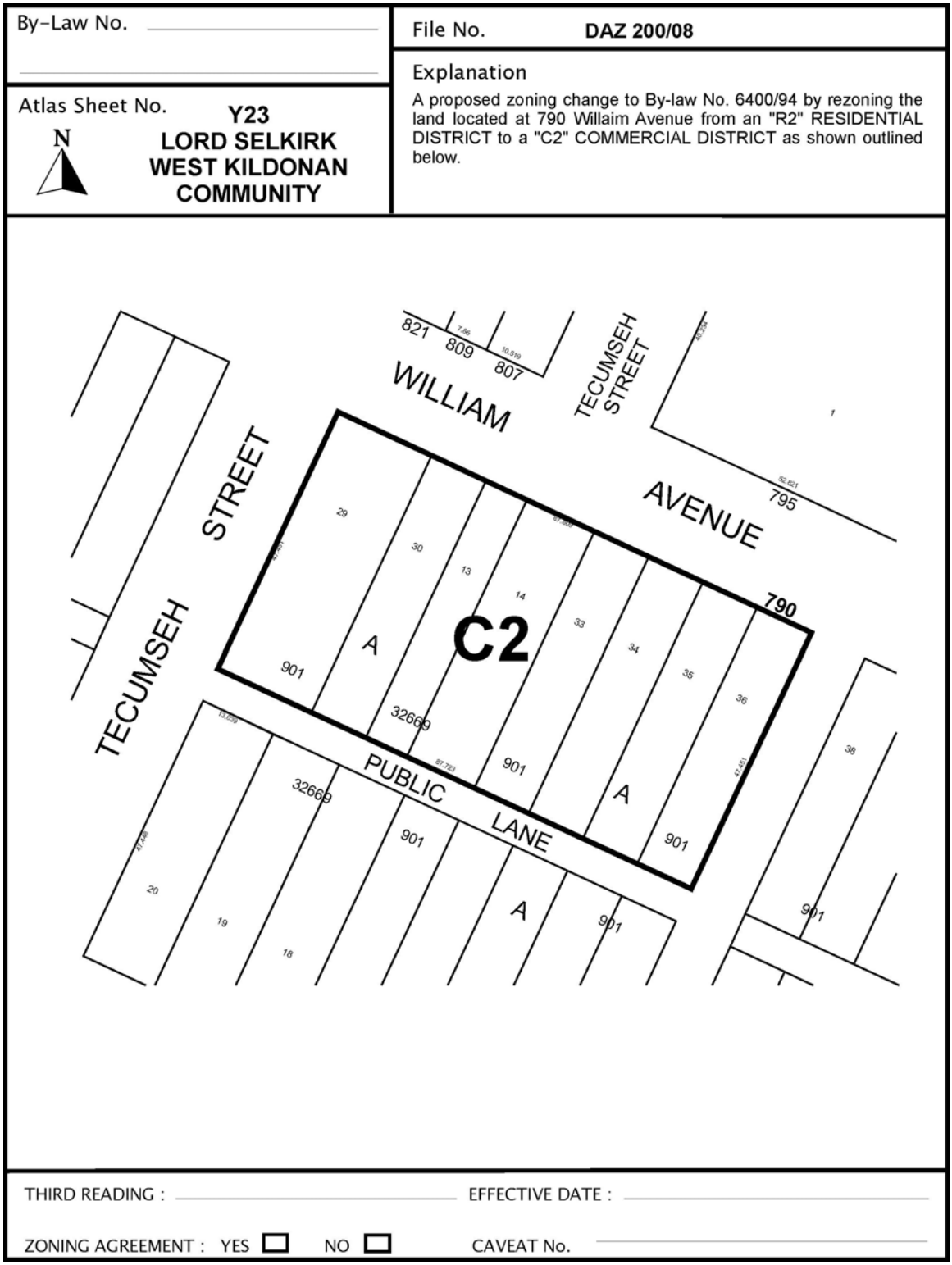


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 200/2008, dated February 1, 2008.