Minutes - Executive Policy Committee - February 11, 2009

Minute No. 150
Report - Standing Policy Committee on Property and Development - February 2, 2009

Item No. 3 West Alexander and Centennial Planned Development Overlay 1
File EP-1

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee referred the matter back to the Standing Policy Committee on Property and Development.

Minutes - Executive Policy Committee - February 11, 2009

Report - Standing Policy Committee on Property and Development - February 2, 2009

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

That the matter be referred back to the Standing Policy Committee on Property and Development.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On January 6, 2009, the Standing Policy Committee on Property and Development laid the matter over to its meeting on February 2, 2009.

RE: West Alexander and Centennial Planned Development Overlay 1 (PDO-1)

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: December 29, 2008

RECOMMENDATION:

1. That By-law No. 200/2006 be amended, by adding Schedule L, the West Alexander & Centennial Planned Development Overlay 1 (see Attachment "B")
2. That the amendment be forwarded to Council for First Reading.
3. That the Lord Selkirk-West Kildonan Community Committee schedule a Public Hearing in accordance with the Development Procedures By-Law (5893/92) and Section 234(3) of the City of Winnipeg Charter.

Report Summary

Key Issues:

- A Neighbourhood (Secondary) Plan for the West Alexander and Centennial neighbourhoods was adopted by City Council in July 2008, following extensive consultation with other City Departments, area residents, business owners, and leaders of major institutions in the area. .
- The Neighbourhood Plan recommends that a planned development overlay district (PDO-1) be developed for the plan area
- The PDO-1 translates land use policies from the Plan into the Zoning By-Law, to ease administration of the Plan and Zoning By-Law and to provide clarity for users of both documents.
- Zoning By-law amendment applications require first reading of the by-law(s) at Council, followed procedurally by a public hearing, and then second and third reading at Council to put the proposed amendment(s) into force and effect.
- Given that this PDO-1 is intended to implement an area specific secondary plan, the Public Service recommends that the Lord Selkirk-West Kildonan Community Committee be the committee designated for public hearing, should Council give first reading to the subject amendment.

- The West Alexander and Centennial Neighbourhood Plan also includes recommendations that several properties in the plan area be rezoned as part of a City initiative.

- The Public Service intends to have the rezoning application considered in conjunction with the PDO-1 at the public hearing at the Lord Selkirk-West Kildonan Community Committee.

- All properties that are being rezoned were contacted by mail and a public consultation open house was held on September 15, 2008. The PDO-1 was also mentioned in the letter and discussed at the open house.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

- The West Alexander and Centennial PDO-1 implements the West Alexander and Centennial Neighbourhood Plan, which provides policy to guide the future development and redevelopment of the West Alexander and Centennial neighbourhoods over a twenty (20) year time frame.

Policy Implications

( ) No

(X) Yes

Comment(s):

- Policies in the West Alexander and Centennial SP and PDO-1 specify the location, type, and form of future development within the planning area.

Regulatory Implications

( ) None

( ) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s):

- These policies support the interpretation of zoning requirements and the evaluation of development applications.

- In some cases, the PDO-1 is **more restrictive** than the Zoning By-law 200/2006 and in other cases the PDO-1 is **less restrictive** than the Zoning By-law.
-

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:
The Standing Policy Committee on Property and Development has the authority to forward the By-Law amendment to Council for First Reading.

HISTORY:
In April 2004, Council's Standing Policy Committee on Property and Development endorsed the initiation of a Secondary Plan for the West Alexander and Centennial Neighbourhoods, in order to:

Strike a balance which supports and encourages growth and development of major institutions while protecting and enhancing the quality of the residential neighbourhoods.

In response, the Planning, Property, and Development Department developed the Secondary Plan through a collaborative planning process with area residents, business owners, and leaders of major institutions including the Health Sciences Centre, the University of Manitoba, and the Canadian Science Centre for Human and Animal Health. This process also included close consultation with all affected City departments to address any issues related to development and redevelopment in West Alexander and Centennial, and to ensure that the City's requirements were incorporated into the plan's policies.

This Secondary Plan was adopted by City Council in July 2008.

One of the recommendations in the Plan was that a Planned Development Overlay District (PDO-1) be developed for the area in order to translate land use policies from the Plan into the Zoning By-Law, to ease administration of the Plan and Zoning By-Law, and to provide clarity for users of both documents.

DISCUSSION:

PDO-1 (General)
As outlined in Zoning By-law 200/2006, the purpose of a Planned Overlay District (PDO-1) is:

To provide the means to alter or specify allowed uses and/or development standards in otherwise appropriate zones, in unique of special circumstances, in order to achieve local planning objectives in specially designated areas. A PDO-1 is appropriate when additional zoning controls are required to address an area-wide (rather than site specific) condition, or to implement an area-wide plan for the proposed district. PDO-1 districts are generally appropriate for areas with unique or special circumstances containing 10 or more parcels or containing 25 acres or more in area.

A PDO-1 must also meet the following criteria:

1) The proposed development rules are to implement **an adopted Secondary Plan** or an area-wide plan; or
2) The proposed development rules apply to land in more than one base zoning district
3) The proposed development rules are unique to the proposed area, and are not likely to be used in other areas of the City without significant changes
4) The proposed development rules contain relatively minor changes to the permitted and conditional uses in the underlying zoning district and/or minor changes to permitted dimensional standards applicable to the underlying zoning district

The proposed PDO-1 meets all of the above criteria.

PDO-1 (West Alexander and Centennial)
The proposed PDO-1 is designed to implement the policies of the West Alexander and Centennial Secondary Plan, which was approved by Council in July 2008. The idea of the PDO-1 is not to create new policy, but to construct an effective tool to translate land use policies from the Plan into the Zoning By-Law, to ease administration of the Plan and Zoning By-Law, and to provide clarity for users of both documents.

Format and Organization

The PDO-1 is formatted in the same format as the Zoning By-law and is organized into six sections, which relate to distinct areas within the West Alexander and Centennial Secondary Plan. These areas are:

- Medium Density Residential
- Mixed Use Residential
- Commercial Mixed Use
- Commercial
- Institutional
- Industrial

Within each area are distinct regulations, which correlate with the land use policy for that area in the West Alexander and Centennial Secondary Plan.

In some cases, the PDO-1 is **more restrictive** than the Zoning By-law 200/2006 and in other cases; the PDO-1 is **less restrictive** than the Zoning By-law. In either case, the rationale for modifying the underlying zoning is based upon the Secondary Plan, which was the result of an inclusive, collaborative, multi-year planning process that considered the unique needs, conditions, and desires of this particular community.

Public Hearing On Secondary Plans

The West Alexander and Centennial PDO-1 is an amendment to the Zoning By-law, which is designed to implement a secondary plan. Pursuant to the Development Procedures By-Law **No. 5893/92:**

5. (1) A proposed Secondary Plan By-law shall, after first reading and before second reading, be referred for conduct of a public hearing in accordance with the City of Winnipeg Charter:

(a) where the land to which the proposed Secondary Plan By-law applies is located in one community to the community committee for that community;

The West Alexander and Centennial Neighbourhood Plan area is located in the ward of Point Douglas and within the boundaries of the Lord Selkirk-West Kildonan Community Committee.

This report has been prepared in support of first reading, as there is sufficient information to allow for a public hearing to be conducted. It is recommended that because this PDO-1 is neighbourhood specific and associated with an area specific secondary plan, that this hearing be conducted at the Lord Selkirk-West Kildonan Community Committee.

It should also be noted that in accordance with recommendations in the West Alexander and Centennial Neighbourhood Plan, several properties are being considered for a City initiated rezoning. The Public Service intends to have the rezonings considered at the same meeting as the PDO-1.

All properties that are being rezoned were contacted by mail and a public consultation open house was held on September 15, 2008. The PDO was also mentioned in the letter and discussed at the open house.

Financial Impact Statement Date: December 5, 2008

Project Name:

West Alexander and Centennial Planned Development Overlay 1 (PDO-1)

COMMENTS:

The recommendations included in this report are that By-law No. 200/2006 be amended, by adding Schedule L, the West Alexander and Centennial PDO-1, that the PDO-1 be forwarded to Council for First Reading and that the Lord Selkirk-West Kildonan Community Committee schedule a Public Hearing in accordance with the Development Procedures By-Law (5893/92) and Section 234(3) of the City of Winnipeg Charter.West Alexander and Centennial Planned Development Overlay 1

There are no financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Legal Services

THIS REPORT SUBMITTED BY:

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Michael Robinson AICP
File No.	

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THE CITY OF WINNIPEG

BY-LAW NO. /2009

A By-law of **THE CITY OF WINNIPEG** to amend Winnipeg Zoning By-law No. 200/2006 to adopt the West Alexander & Centennial Planned Development Overlay 1.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *Winnipeg Zoning By-Law No. 200/2006 is amended by adopting the attached document, entitled "West Alexander & Centennial Planned Development Overlay 1 (PDO-1 West Alexander & Centennial)", as a Planned Development Overlay 1 district and adding it as Schedule L after Schedule K.*

RECEIVED FIRST READING on this day of , 2008.

RECEIVED SECOND READING on this day of , 2008.

RECEIVED THIRD READING on this day of , 2008.

DONE AND PASSED this day of , 2008.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____
for Planning, Property & Development

Approved as to form:

_____
for A/City Solicitor/Manager of Legal Services

Attachment “B”

West Alexander and Centennial PDO-1



SCHEDULE L

WEST ALEXANDER & CENTENNIAL PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 WEST ALEXANDER & CENTENNIAL)

Purpose

1. The purpose of this overlay is to implement the policies of the West Alexander & Centennial Neighbourhood Plan.

Applicability

2. The PDO-1 West Alexander & Centennial overlay district is shown on the attached map, identified as PDO-1 West Alexander & Centennial Principal Overlay Map.

Development Standards

3. Except to the extent modified by the standards in this overlay, all standards of this By-law, including the design standards in sections 206 to 211, apply in the West Alexander & Centennial Plan area.

Area 1

4. Medium Density Residential Area



Applicability

(1) The Medium Density Residential Area is shown in yellow on Map 1.

Rationale

(2) See intent statement for the Medium Density Residential Area in the West Alexander & Centennial Neighbourhood Plan.

Permitted Use Restrictions

(3) Notwithstanding other provisions of this By-law, in the Medium Density Residential Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) The expansion of or establishment of a Single Room Occupancy.

Dimensional Standards

(4) Notwithstanding other provisions in this By-law, in the Medium Density Residential Area, development must comply with the dimensional standards in this subsection.

Height of Principle Buildings

(a) 1. 40 feet for buildings fronting or flanking on the following streets:

i) William Avenue;

ii) Bannatyne Avenue;

iii) McDermot Avenue;

2. 35 feet for all other streets .

Lot size

(b) The minimum lot area is 2,500 square feet.

Area 2

5. Residential Mixed Use Area

Applicability

(1) The Residential Mixed Use Area is shown in gold on Map 2.



Rationale

(2) See intent statement for the Residential Mixed Use Area in the West Alexander & Centennial Neighbourhood Plan

Permitted Use Restrictions

(3) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

- (a) The expansion of or establishment of a Single Room Occupancy;
- (b) Drinking establishment;
- (c) Parking, surface (as a principle use)

Use Specific Standards

(4) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses are limited to the specified amount of gross floor area:

- (a) Retail sales: 2,500 square feet;
- (b) Personal services: 2,500 square feet;
- (c) Medical, Dental, Optical Counselling Clinic: 1,500 square feet;
- (d) Offices: 2,500 square feet.

Dimensional Standards

(5) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area development must comply with the dimensional standards in this subsection.

Height of Principle Buildings

(a) For properties zoned "RMU" Residential Mixed Use

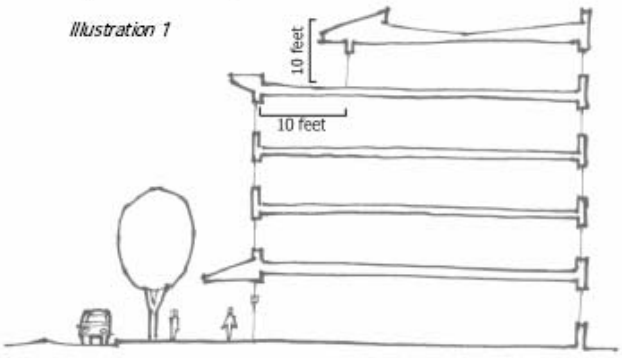
- 1) 50 feet, only for developments meeting the following criteria;
  - i) The lot area is a minimum of 9,000 square feet;

ii) The fifth story is setback from the street, at a distance equal to or greater than the height of the fifth story;

2) 40 feet, in all other instances

The fifth storey setback is equal to the height of the fifth storey

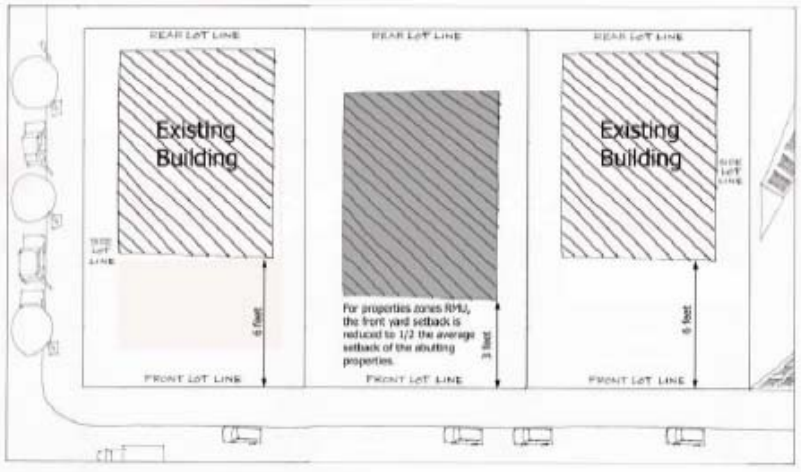
Illustration 1



Required Yards

(b) On properties zoned "RMU" Residential Mixed Use, the minimum front yard setback is ½ the average setback of the existing front yards on that block or portion of the block (see Illustration 2). In the case of a corner lot, the minimum front yard setback is either the average setback of the two nearest properties on the same block or the average setback for all properties facing the same street on the same block.

Illustration 2



Minimum Lot Area per Dwelling Unit

(c) On properties zoned "RMU" Residential Mixed Use, the minimum lot area is 1,000 square feet per dwelling unit.

Lot size

(d) On properties zoned "RMU" Residential Mixed Use, the minimum lot area is 2,500 square feet.

Area 3

6. Commercial Mixed Use Area



Applicability

(1) The Commercial Mixed Use Area is shown in brown on Map 3.

Rationale

(2) See intent statement for the Commercial Mixed Use Area in the West Alexander & Centennial Neighbourhood Plan

Permitted Use Restrictions

(3) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Auto/light truck/motorcycle, repair and service;
(b) Auto/light truck/motorcycle, sales and rental;
(c) Parking, surface (as a principle use);
(d) Drive-in or drive-through (as a principle use);

(4) Notwithstanding other provisions in this By-law, within the Commercial Mixed Use Area, the following uses may be approved only as conditional uses, where they are otherwise permitted:
- (a) Fuel sales;
- (b) Car wash;
- (c) Parking, structured;
- (d) Drive-in or drive-through (as an accessory use)

Use Specific Standards

(5) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, the following uses are limited to the specified amount of gross floor area:
- (a) Amusement enterprise, indoor: 2,500 square feet;
- (b) Medical/dental/optical counselling clinic: 5,000 square feet;
- (c) Restaurant: 2,500 square feet;
- (d) Retail sales (unless otherwise listed): 5,000 square feet;
- (e) Personal services (unless otherwise listed): 5,000 square feet.

Dimension Standards

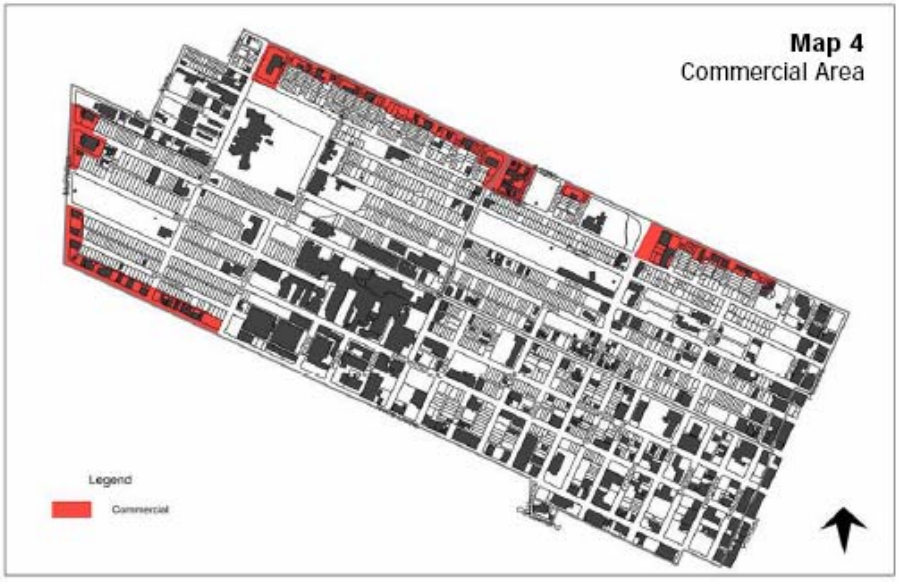
(6) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, development must comply with the dimensional standards listed in this subsection.

Height of Principle Buildings

(a) The maximum height of a principal building is 49 feet.

Area 4

7. Commercial Area



6050

Applicability

(1) The Commercial Area is shown in red on Map 4.

Rationale

(2) See intent statement for the Commercial Area in the West Alexander & Centennial Neighbourhood Plan.

Permitted Use Restrictions

(3) Notwithstanding other provisions of this By-law, in the Commercial Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Pawn shop;

(b) X-rated store.

(4) Notwithstanding other provisions of this By-law, in the Commercial Area, the following uses may be approved only as conditional uses, where they area otherwise permitted:

(a) Drinking establishments;

(b) Parking, surface (as a principal use)

Area 5

8. Institutional Area



Applicability

(1) The Institutional Area is shown in purple on Map 5.

Rationale

(2) See intent statement for the Institutional Area in the West Alexander & Centennial Neighbourhood Plan.

Dimensional Standards

(3) Notwithstanding other provisions of this By-law, in the Institutional Area, development must comply with the dimensional standards in this subsection.

Height of Principal Buildings

(a) The maximum height of a principal building is as follows:

(i) The maximum height of a principal building is as follows:

(A) on the east side of Tecumseh Street, between Notre Dame and William Avenues, within 104 feet of the Institutional Area boundary, five storeys or 52 feet, whichever is less;

(B) on the north side of Notre Dame Avenue, west side of Sherbrook Street, and east side of Arlington Street, within 200 feet of the Institutional Area boundary, 10 storeys or 100 feet, whichever is less;

(C) on all other streets, within 90 feet of the Institutioanal Area boundary, five stories in height or 45 feet, whichever is less.

(ii) For the purpose of determining the maximum height of a principal building in the Institutional Area, the distance from an Institutional Area boundary is measured from the nearest property line outside of the Institutional Area

(iii) When height boundary areas overlap, the more restrictive standard applies

(iv) The maximum building height may be increased 1 foot for every 2 feet from the Institutional Area boundary, up to a maximum of 200 feet or 20 storeys, whichever is less. (see Illustrations 3 and 4).

Illustration 3

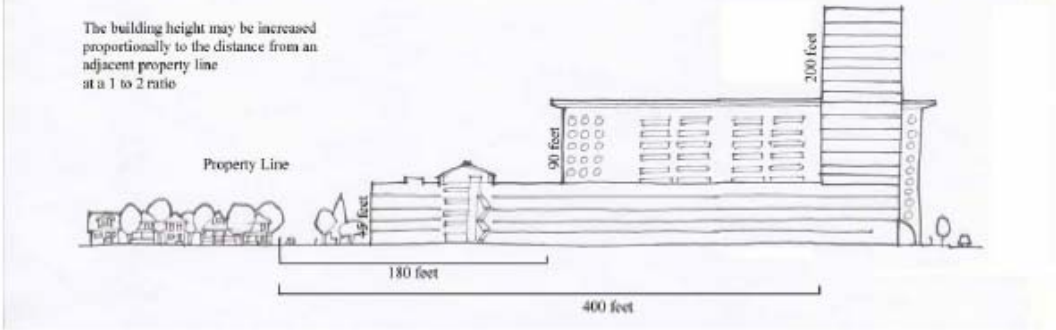
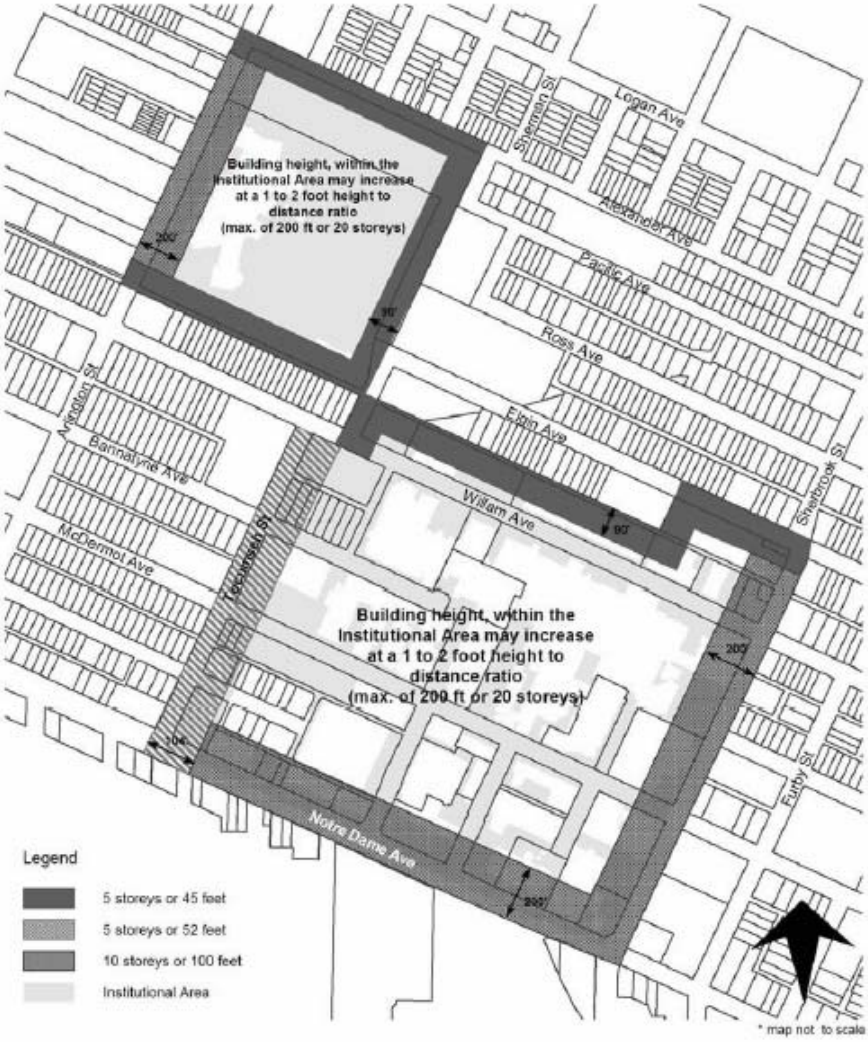


Illustration 4

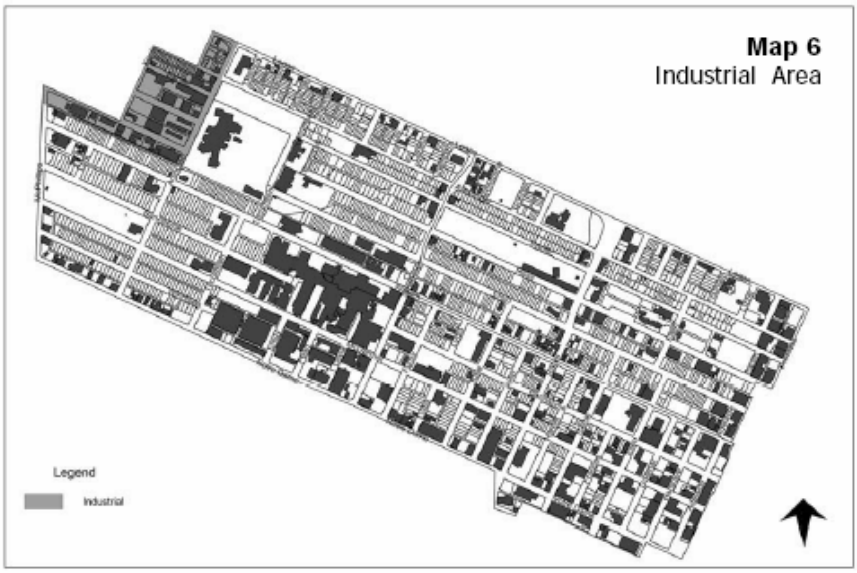


Area 6

9. Industrial Area

Applicability

(1) The Industrial Area is shown in grey on Map 6.



Rationale

(2) See intent statement for the Industrial Area in the West Alexander & Centennial Neighbourhood Plan

Permitted Use Restrictions

(3) Nothwithstanding other provisions of this By-law, in the Industrial Area, the following use may be approved only as a conditional use, where it is otherwise permitted:

(a) Parking, surface (as a principal use)

West Alexander and Centennial PDO-1
Principal Overlay Map

