Agenda - Council - May 27, 2009

Report - Standing Policy Committee on Property and Development - May 5, 2009

Item No. 2 Subdivision and Rezoning - 333/341 Selkirk Avenue (Mynarski Ward) File DASZ 1/2009

STANDING COMMITTEE RECOMMENDATION:

On May 20, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 1/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "A" dated February 24, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2009 dated February 24, 2009 to an "R2" Residential Two-Family District.

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Acting 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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

Report - Standing Policy Committee on Property and Development - May 5, 2009

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Acting 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 – May 5, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2009, the Executive Policy Committee concurred in the recommendation 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 May 5, 2009, 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:

- Delete Recommendation 3. in its entirety and replace with the following:

    3. 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 submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- That recommendation 3 be deleted and replaced with the following new recommendation 3, namely:

    "3. That any ten percent (10%) dedication, that may be payable to the City in lieu of the requirement for land dedication based on the increase in market value of the land, be waived."

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 333/341 Selkirk Avenue (Mynarski Ward) File DASZ 1/2009 [c/r DCU 103746/2009D and DAV 102495/2009D]**

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

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

Report date: **April 17, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 1/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "A" dated February 24, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2009 dated February 24, 2009 to an "R2" Residential Two-Family District.

~~***3. 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 any ten percent (10%) dedication, that may be payable to the City in lieu of the requirement for land dedication based on the increase in market value of the land, be waived.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Acting 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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Acting 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.

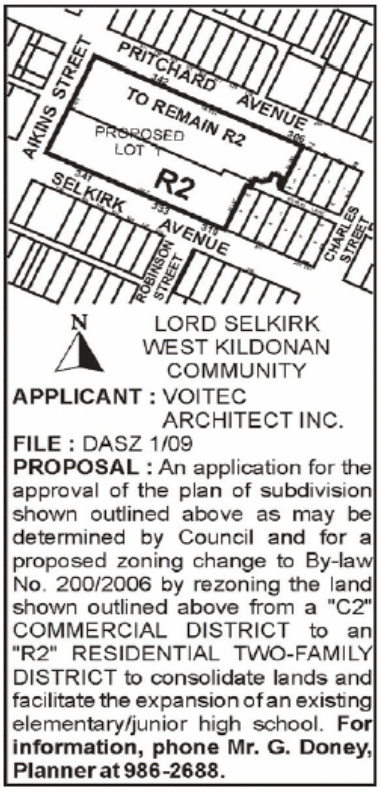
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated February 24, 2009.

PUBLIC HEARING SUMMARY

File:	DASZ 1/2009 [c/r DCU 103746/2009D and DAV 102495/2009D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko
Public Hearing:	April 14, 2009 West Committee Room Council Building, 510 Main Street
File:	DASZ 1/2009 [c/r DCU 103746/2009D and DAV 102495/2009D]
Applicant:	Voitec Architect Inc. (Wojtek Rzeszowski)

Subject:



Premises Affected: 333/341 Selkirk Avenue

Exhibits Filed:

1. Application dated January 27, 2009
2. Notification of Public Hearing dated February 6, 2009
3. Manitoba Status of Titles 1378020, 1378032, 1378034, 1378035, 1541729, 1541741 and 1541745
4. Letter of authorization dated January 9, 2009 from the Holy Ghost Parish, on behalf of the Roman Catholic Archiepiscopal Corporation of Winnipeg, to Voitec Architect Inc.
5. Caveats 2253227, 2253230 and 2253231
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated February 24, 2009
8. Inspection Report
9. Notice of Adjournment dated March 11, 2009
10. Communication dated March 17, 2009, from Wojtek Rzeszowski, Voitec Architect, in support of the application and concurrence in the recommendation of the Winnipeg Public Service
11. Audio Recording of representations of public hearing held on April 14, 2009

REPRESENTATIONS:

In Support:

Wojtek Rzeszowski, Voitec Architect Inc.
David Hood

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

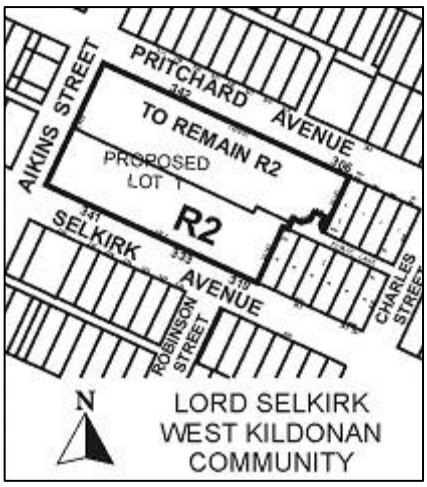
Exhibit "7" referred to in File DASZ 1/2009

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: **February 24, 2009**
File: **DASZ 1/09**
Related Files: **DCU 09-103746D and DAV 09-102495D**
Subject: to consolidate parcels into one lot and to rezone from "C2" Commercial District to "R2" Residential District to facilitate expansion of an elementary – junior high school
Location: **333 and 341 Selkirk Avenue**
Legal Description: PT LOT 5/6, LOT 7,10/19,23/27 BLOCK 1 PLAN 187; LOT 36/41 PLAN 31624; PCL A/B PLAN 35444 RL 36/7 ST J



Applicant: Wojtek Rzeszowski Voitec Architect
516 St. Catherine St
Winnipeg MB R2j 0n1

Owner: Roman Catholic Archiepiscopal Corp Of Wpg
341 Selkirk Ave
Winnipeg MB R2W 2l8

Recommendation: Approval

Report Summary

- The proposal is to consolidate the subject land into one lot and to rezone a portion of the subject land from "C2" Commercial District to "R2" Residential District, as per File DASZ 1/09 (the subject of this report), to obtain conditional use approval under File DCU 09-103746D and to obtain variance approvals under File DAV 102495D, to permit the expansion of an elementary – junior high school.

- The addition would be only one storey and would occupy a relatively small portion of the subject land

- The proposal meets the accessory parking and the passenger loading and unloading requirements of Zoning By-law 200/2006.

- After the expansion, the school will remain at a scale and density compatible with nearby developments and, therefore, the expansion conforms to *Plan Winnipeg 2020 Vision*

- The proposed rezoning is appropriate because:
    - the subject land is partly in and near other "R2" Residential Districts, other "C2" Commercial Districts and a Neighbourhood Main Streets Planned Development Overlay District; and
    - the uses allowed in "R2" Districts are compatible with those allowed in "C2" Districts that are in a Neighbourhood Main Streets Planned Development Overlay District.

Site Description

Pritchard Avenue, Aikins Street and Selkirk Avenue bound the subject land on the north, west and south, respectively. It is in the William Whyte Neighbourhood of the Mynarski Ward. The land is approximately 2.1 acres and is generally rectangular, measuring approximately 230 by 400 feet.

Figures 2 and 3 show that:

- the subject land's principal uses are place of worship, office and an elementary – junior high school; and
- the place of worship is three storeys;
- approximately the southerly half of the subject land, being parallel to Selkirk and Pritchard Avenues, is in a "C2" Commercial Community District and a Neighbourhood Main Streets Planned Development Overlay District and the remainder is in an "R2" Residential Two Family District.

Figure 2 also shows that the subject land is near:

- single-family, two-family and multiple-family dwellings, including a large eight storey multiple-family dwelling;

- retail sales and personal services;
- one vacant parcel;
- a convent and soup kitchen; and
- a community recreation centre.

Figure 3 also shows that the subject land is near other "C2" Commercial Districts that are in a Neighbourhood Main Streets Planned Development Overlay District, other "R2" Residential Districts and a "PR1" Parks and Recreation 1 District.

Description of the Proposed Development

The proposal is to consolidate the subject land into one lot and to rezone a portion of the subject land from "C2" Commercial District to "R2" Residential District, as per File DASZ 1/09 (the subject of this report), to obtain conditional use approval under File DCU 09-103746D and to obtain variance approvals under File DAV 102495D, to permit the expansion of an elementary – junior high school.

A one-storey addition, that would connect the school and the office building and create a computer room, is proposed. Some changes to the interiors of the buildings, in keeping with the principal use of school, are also proposed.

Analysis

Plan Winnipeg

The subject land is in a Neighbourhood policy area as per *Plan Winnipeg 2020 Vision.* Policy 3A-01 Promote Orderly Development states that the Neighbourhood policy area signifies area of local identity with mutually supportive uses, including residential, educational and other uses that are at a scale and density compatible with each other. The following section – Compatibility with Nearby Developments – discusses this.

Compatibility With Nearby Developments

That the subject land is partly in and near "R2" Residential Districts indicates that the proposed rezoning is appropriate. Furthermore, Figure 3 shows that the "C2" Commercial Districts that are near the subject land are also in a Neighbourhood Main Streets Planned Development Overlay District. The uses that are allowed in "R2" Residential Districts are generally compatible with those allowed in "C2" Commercial Districts that are in a Neighbourhood Main Streets Planned Development Overlay District.

After the expansion, the school will remain at a scale and density compatible with nearby developments because:

- the addition would be only one storey and would occupy a relatively small portion of the subject land; and

- the proposal meets the accessory parking and the passenger loading and unloading requirements of Zoning By-law 200/2006, indicating that the demand for on-street parking or queuing will be quite low.

Transportation and Site Access

Motor vehicle access is by two private approaches off Pritchard Avenue. Pedestrian access is by public sidewalks alongside the north, west and south sides of the subject land. Winnipeg Transit bus routes are on Selkirk Avenue in front of the subject land.

Recommendation

The Planning and Land Use Division recommends approval of the proposed plan of subdivision and rezoning because:

- the proposed expansion is compatible with nearby developments and conforms to *Plan Winnipeg 2020 Vision*; and
- the proposed rezoning is compatible with existing zoning near the subject land.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 1/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "A" dated February 24, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/09, dated February 24, 2009 to an "R2" Residential Two-Family District.

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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: J. Glen Doney
PPD File DASZ 1/09

Schedule "A"

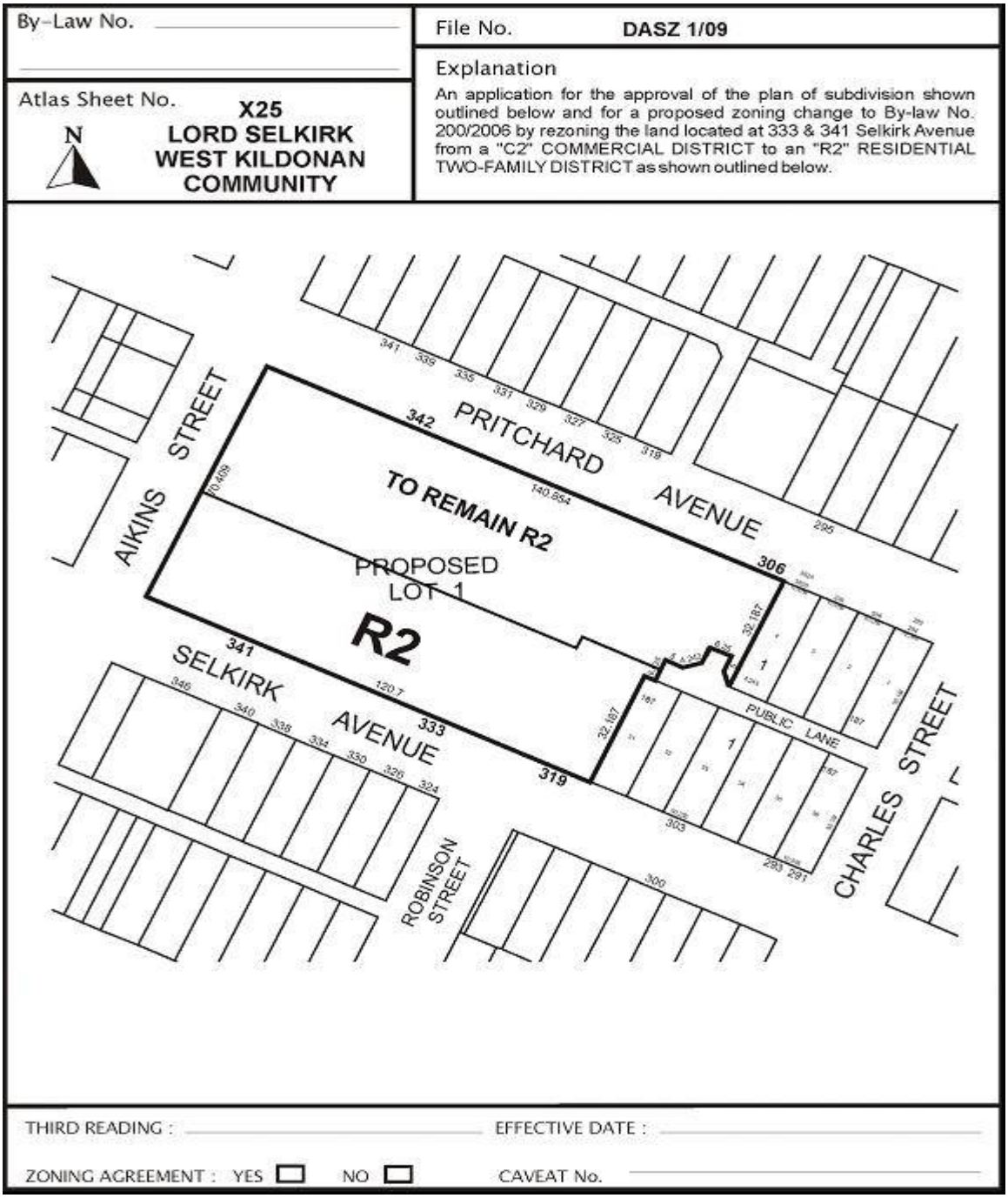


Figure 1: Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 1/09 dated February 24, 2009.



Figure 2: Existing Land Use, 2005 aerial photography

Legend

SFD	single-family dwelling
2FD	two-family dwelling
MFD	multiple-family dwelling
RS	retail sales
PS	personal services
V	vacant land
ES	elementary school
JHS	junior high school
PoW	place of worship

Note: # after abbreviation is the # of storeys if 3 or more.

February 24, 2009



Figure 3: Existing Zoning

Legend

C2	Commercial Community District
R2	Residential Two-Family District
RMF-L	Residential Multiple-Family District (higher density)
PR1	Parks and Recreation 1

February 24, 2009