Agenda – Council – February 24, 2010

Report – Executive Policy Committee – February 10, 2010

Item No. 1 Subdivision and Rezoning – 877 Wilkes Avenue (River Heights-Fort Garry Ward) File DASZ 34/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 10, 2010, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 34/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 34/2009 dated December 29, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "C," the report of the Administrative Coordinating Group dated December 21, 2009;

    B. That the Plan of Subdivision be amended by including the widenings to the adjacent street as illustrated on Schedule "B" dated December 29, 2009, which widenings are to be dedicated to the City in accordance with Schedule "C," the report of the Administrative Coordinating Group dated December 21, 2009.

2. That the Winnipeg Zoning By-law 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2009 dated December 29, 2009, to "EI" Educational and Institutional District subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and

signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit; and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer shall erect a uniform fence (2 metre in height) abutting the CNR Rivers Subdivision to the satisfaction of the Director of Planning, Property and Development and maintain this fencing to the satisfaction of the Director of Planning, Property and Development.

iii. That the use of the subject land shall not include:
   a. jail / detention centre;
   b. sports or entertainment arena/stadium;
   c. bus depot;

iv. That all exterior, non-directional illuminated signage in the west yard or on the west side of the building shall be off from 10:00 p.m. to 6:00 a.m.;

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property;

vi. That, all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

vii. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at their own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property.

The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

viii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

ix. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

x. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

xi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

xii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

xiii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

Report – Executive Policy Committee – February 10, 2010

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 execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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.

Report – Executive Policy Committee – February 10, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 10, 2010, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 2, 2010, the City Centre 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.

On January 5, 2010, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on February 2, 2010, at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning - 877 Wilkes Avenue**
File DASZ 34/2009 [c/r DAV 156187/2009D]

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **February 3, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 2, 2010, the City Centre 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 plan of subdivision proposed under File DASZ 34/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 34/2009 dated December 29, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "C," the report of the Administrative Coordinating Group dated December 21, 2009;

    B. That the Plan of Subdivision be amended by including the widenings to the adjacent street as illustrated on Schedule "B" dated December 29, 2009, which widenings are to be dedicated to the City in accordance with Schedule "C," the report of the Administrative Coordinating Group dated December 21, 2009.

2. That the Winnipeg Zoning By-law 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2009 dated December 29, 2009, to "EI" Educational and Institutional District subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit; and

thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer shall erect a uniform fence (2 metre in height) abutting the CNR Rivers Subdivision to the satisfaction of the Director of Planning, Property and Development and maintain this fencing to the satisfaction of the Director of Planning, Property and Development.

iii. That the use of the subject land shall not include:
   a. jail / detention centre;
   b. sports or entertainment arena/stadium;
   c. bus depot;

iv. That all exterior, non-directional illuminated signage in the west yard or on the west side of the building shall be off from 10:00 p.m. to 6:00 a.m.;

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property;

vi. That, all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

vii. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at their own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

viii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

ix. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

x. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

xi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

xii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

xiii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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 execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The project is a substantial benefit to the community and addresses safety issues.

PUBLIC HEARING SUMMARY

File: DASZ 34/2009 [c/r DAV 156187/2009D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Smith, Chairperson
Councillor Orlikow

Public Hearing: February 2, 2010
January 5, 2010
North Committee Room
Council Building, 510 Main Street

Applicant: Harold Funk Architect (B. J. Fehr)

Subject:



Premises Affected: 877 Wilkes Avenue

Exhibits Filed:

1. Application dated October 30, 2009
2. Notification of Public Hearing dated November 10, 2009
3. Manitoba Status of Title(s) 1122854, 1786851 and 2381322
4. Letter of authorization dated August 19, 2009 from Grant Memorial Baptist Church Inc. (Trustees of Grant Memorial Baptist Church, Religious Society, in the City of Winnipeg, in the Province of Manitoba) to Harold Funk Architects
5. Caveat 82-26654
6. Surveyor's Building Location Certificate and sketch dated September 24, 2003
7. Plans (5 pages)
8. Report from the Planning and Land Use Division dated December 29, 2009
9. Inspection Report
10. Notice of Adjournment dated January 6, 2010
11. Audio Recording of representations of public hearing held on February 2, 2010

REPRESENTATIONS:

In Support:

B. J. Fehr, Harold Funk Architects
Harold Funk
Kurt Koberstein
Gareth Simons

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DASZ 34/2009 [c/r DAV 156187/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 34/09 – 877 Wilkes – Public Hearing

Critical Path: City Centre Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	NA	NA	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 34/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 34/2009 dated December 29, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

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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.

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the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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*.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations in this report are implemented, a development permit can be issued for the redevelopment of the subject land, subject to the recommended conditions of approval.

CONSULTATION

In preparing this Report there was consultation with:

Public Works

SUBMITTED BY

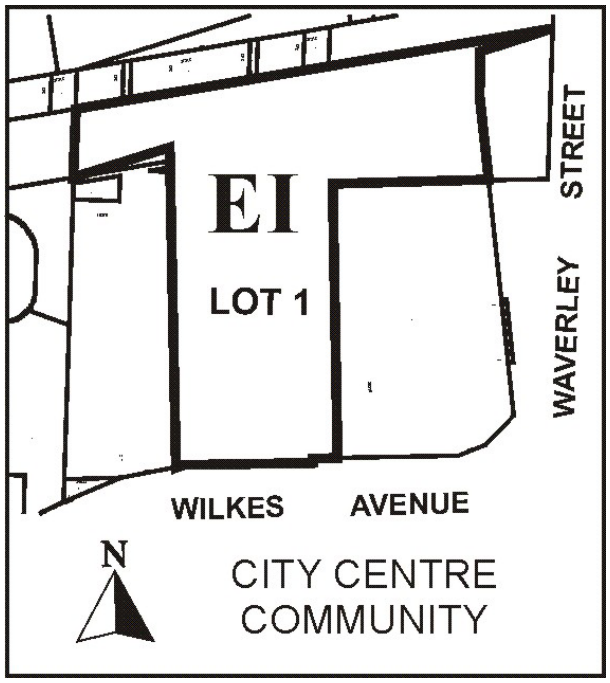
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John Wintrup
Date	December 29, 2009
File	DASZ 34/2009

List of Schedules and Attachments

1. Attachment 1 – Planning Discussion
2. Schedule “A” for File No. DASZ 34/2009 as advertised.
3. Schedule “B” for File No. DASZ 34/2009, City Centre Community Committee, dated December 29, 2009
4. Schedule “C” – Administrative Coordinating Group Servicing Agreement dated December 21, 2009

Attachment 1 – Planning Discussion

DATE	December 29, 2009
FILE	DASZ 34/2009
RELATED FILES	DAV 09-156187D
COMMUNITY	City Centre Community
NEIGHBOURHOOD	1.667
SUBJECT	Consolidate 3 lots and 3 parcels and rezone to the Educational and Institutional District to allow for the expansion of private school.
LOCATION	877 Wilkes AVE
LEGAL DESCRIPTION	LOT 4; EXC PCL B PL 23073 LOT 5; LOT 8 PLAN 16376 46/50 ST B PCL A,B PLAN 39375 47/8 ST B
APPLICANT	BJ Fehr Harold Funk Architect 55 DONALD ST UNIT 401 WINNIPEG MB R3C 1L8
OWNER	TRUSTEES OF GRANT MEMORIAL BAPTIST CHURCH 877 WILKES AVE WINNIPEG MB R3P 1B8



RECOMMENDATION Approve with conditions

REPORT SUMMARY

- The applicant is proposing to expand Linden Christian School by adding approximately 26,000 square feet to the north side of the building (where the school is located) and 12,500 square feet to the south side (the main entrance to the church).
- Several parcels and lots, including landlocked lots, will be consolidated and rezoned to the Education and Institutional District to reflect the multi-use of the subject property.
- Approximately 2,532.79 (sq ft) of existing Parcel C is required by the City of Winnipeg for the future widening of Wilkes Avenue.

SITE DESCRIPTION

- The subject property is **13.59 acres** (592,025.38 sq. ft) located on the north side of Wilkes Ave between Waverly St and Victor Lewis Dr in the Brockville neighbourhood of the River Heights – Fort Garry Ward.
- The subject property is occupied by a two story building – Grant Memorial Baptist Church that has 1,685 seats in the assembly with Linden Christian School on the north side of the building.
- Three (3) lots are zoned **C2 Commercial Community District**; two (2) parcels are zoned **RMF- M Residential Multi-Family District - Medium** ; and one (1) parcel is zoned **M2 Manufacturing General District**.
- Adjacent properties include residential dwellings to the east zoned RMF-M and to the west zoned C2.

- Surrounding lands to the north across the CNR Rivers line are zoned **M1 Manufacturing Light District** and to the south across Wilkes Ave, multiple family dwellings zoned C2.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to expand Linden Christian School by adding approximately 26,000 square feet to the north side of the building (where the school is located) and 12,500 square feet to the south side (the main entrance to the church).
- Three (3) lots including two (2) land locked lots (Lots 4 & Lot 8) will be consolidate with three (3) parcels to create two (2) lots.
- Proposed lot 1 will be the existing church and school building and proposed lot 2 is required for the future widening of Wilkes Avenue.
- 416 new paved parking stalls will be constructed on the north side of the subject property abutting the CNR rail lines.
- 79 parking stalls are provided in the southwest corner of the property and 74 parking stalls in the south east corner of the property.
- 646 total parking stalls will be provided.

ANALYSIS

ZONING

- **Zoning By-law 200/06 E1 Educational and Institutional District** is intended to provide areas for the development of large and significant, multi-building, public, quasi-public, or private facilities of a non-commercial character that may have significant impacts on the surrounding areas. Typical uses may include places of worship, schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities as well as supporting residential uses. Attractive, campus-style development is encouraged within this district.
    - EI zoning may be appropriate for clustered or core facilities, while supporting facilities on non-contiguous lots remain in other zoning districts.
    - There is a 25 foot front, corner side, and rear yard requirements.
    - Maximum building height is 100 feet.
    - Prior to the approval of any development application and/or construction of a building on land within an EI district, the owner of the land is required to prepare and submit a Master Plan

- **C2 Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
    - The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
    - C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
    - There is a rear yard requirement of 25 feet and a maximum building height of 49 feet.
    - Multi-family residential structures in the C2 district must meet the requirements of the RMF-M zone.

- **RMF- M Residential Multi-Family District - Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - There is a front & rear yard requirement of 25 feet and the maximum building height is 60 feet.
    - The minimum lot area per dwelling unit is 800 square feet per dwelling unit.

- **M1 Manufacturing Light District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.
    - There is a minimum front yard of 25 feet; and maximum building height of 50 feet.

- **M2 Manufacturing General District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
    - There is a minimum front yard of 25 feet; and maximum building height of 100 feet.

LAND USE BY-LAW

- The variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.
- A variance for a substandard front yard along Wilkes Avenue is being requested for the existing parking area.

TRANSPORTATION AND SITE ACCESS

- The Developer will be required to construct a 40.0 metre extension plus new upstream transition to the existing eastbound left-turn storage lane at the existing median opening on Wilkes Avenue.
- Approximately 2,532.79 (sq ft) of existing Parcel C (identified as Lot 2 on Schedule B) is required by the City of Winnipeg for the future widening of Waverly.
- The land directly south of proposed Lot 2 is approximately 1.5 acres and is all ready legally opened as a street right-of-way, however, it currently is being used as the eastern portion of the Linden Christian School playing fields.

SITE DESIGN ISSUES

- Preliminary site plans have been submitted that are conceptual in nature, illustrating how the Planned Area may develop with buildings, parking areas, and internal roads: details regarding landscaping, lighting, pathways, etc. have not been provided.
- The developer, as a condition of approval, will be required to provide a master site plan for the Planned Area for approval by the Director of Planning, Property and Development.
- The objective of the Site Plan Review and Guidelines in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the potential impacts are sufficiently mitigated
- The Division notes that pedestrian and bicycle lockup facilities are not provided in the site plan; and there are no pedestrian connections on the subject lands to the bus stop immediately in-front of the building and the public sidewalk (P1 Priority) on the north side of Wilkes.

- The following design guidelines will be used by the Division in the review of the site plan for large institutional facilities, and are based upon sound land use planning principles and best practices to support multi-modal transportation:

    - Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;
        - Create a safe and comfortable pedestrian environment.
            - Apply Universal Design Guidelines.
            - Ensure safe and convenient access to transit facilities.
            - Protect pedestrians from adverse environmental elements..
            - Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are applied.
        - Create direct, comfortable and safe pedestrian routes leading to front entrances of buildings from parking areas, transit stops, public sidewalks, and other pedestrian destinations
        - Pedestrian Crossings:
            - Consider installing 'tables' (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
            - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.

    - Ensure facilities for bicycle transportation are well integrated with the overall site environment;
        - Install exterior lockable bike rakes in safe, easily accessible location that is in plain view for people to see.
        - Erect full enclosed, secured cages for long-term parking of bicycles.

LAND DEDICATION

When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %. 'Cash in lieu' of land will be required under this development application.

RECOMMENDATION

The Planning and Land Use Division recommends approval because, subject to the conditions stated in the section of this report titled “Recommendations,” the proposed development and associated rezoning is compatible with the neighbourhood:

- Rezoning the land from ‘M2 – Manufacturing Light’ will ensure that noxious, industrial users such as rail yards, garbage incinerators, slaughter houses, etc. will no longer have the right to establish in close proximity to nearby residential dwellings and the school.
- The consolidation of the lots and parcels is a ‘housekeeping’ matter to eliminate the land locked lots that do not have direct access to a public right-of-way.

The Division is recommending that the new Zoning Agreement contain site plan approval for review and approval by the Director of Planning, Property and Development to ensure the final design of the development provides any mitigating elements needs to address the concerns of nearby residents and includes active transportation amenities for pedestrians and cyclists.

The Division is recommending that less-than-compatible uses such as a jail or detention centre, sports or entertainment arena or stadium, bus depot, transit station be prohibited from the subject land. The Division is also recommending that exterior, non-directional illuminated signage in the west yard or on the west side of the building is not illuminated from, 10:00 p.m. to 6:00 a.m. as there are residential dwellings in close proximity to the west; and advertising signs, mobile signs, poster signs and A-frame signs be prohibited from the subject land.

The Division is also recommending a number of conditions regarding building identification signage, addressing and a master plan be provided to the Winnipeg Fire and Paramedic Service to ensure clarity by emergency services regarding the school’s main entrance.

Schedule “A” for File No. DASZ 34/09, City Centre Community Committee, dated December 29, 2009.

By-Law No. _____

File No. **DASZ 34/09**

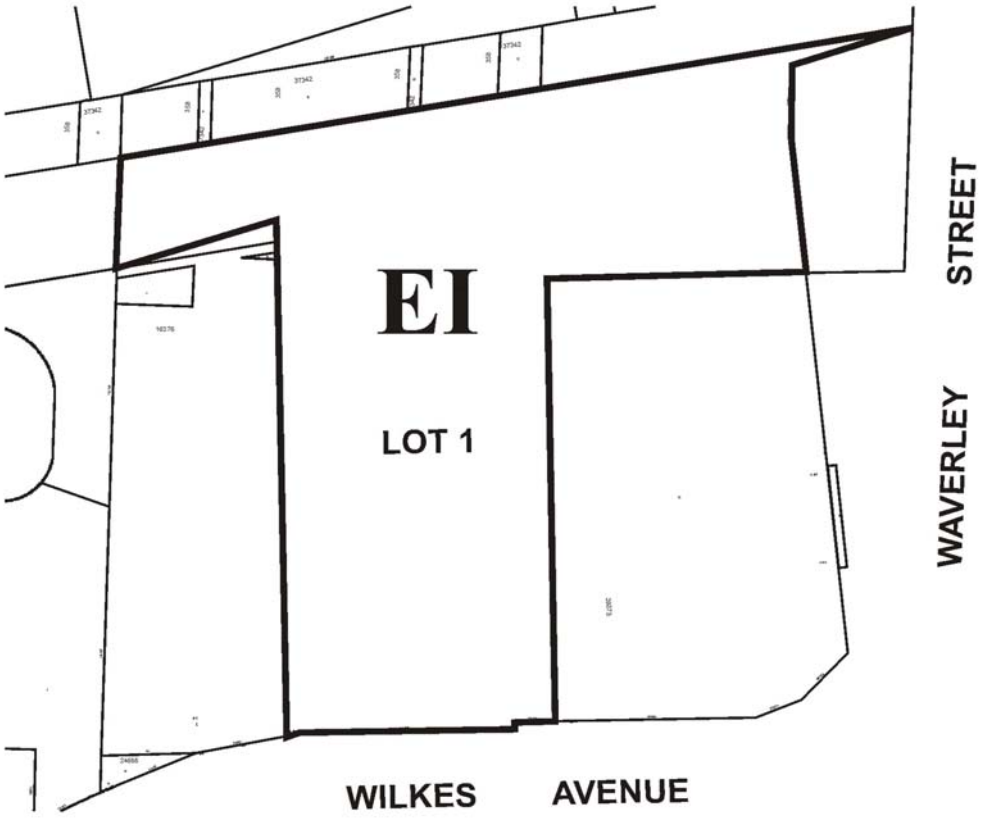
Atlas Sheet No.

N

AE22
CITY CENTRE
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. 200/2006 by rezoning the land located at 877 Wilkes Avenue from a "C2" COMMERCIAL COMMUNITY DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "M2" MANUFACTURING GENERAL DISTRICT and an "M1" MANUFACTURING LIGHT DISTRICT to an "EI" EDUCATION AND INSTITUTIONAL DISTRICT to allow for the maintenance of an accessory parking area as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” for File No. DASZ 34/09, City Centre Community Committee, dated December 29, 2009.

By-Law No. _____

File No. **DASZ 34/09**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 877 Wilkes Avenue from a "C2" COMMERCIAL COMMUNITY DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "M2" MANUFACTURING GENERAL DISTRICT and an "M1" MANUFACTURING LIGHT DISTRICT to an "EI" EDUCATION AND INSTITUTIONAL DISTRICT to allow for the maintenance of an accessory parking area as shown outlined below.

Atlas Sheet No.

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AE22
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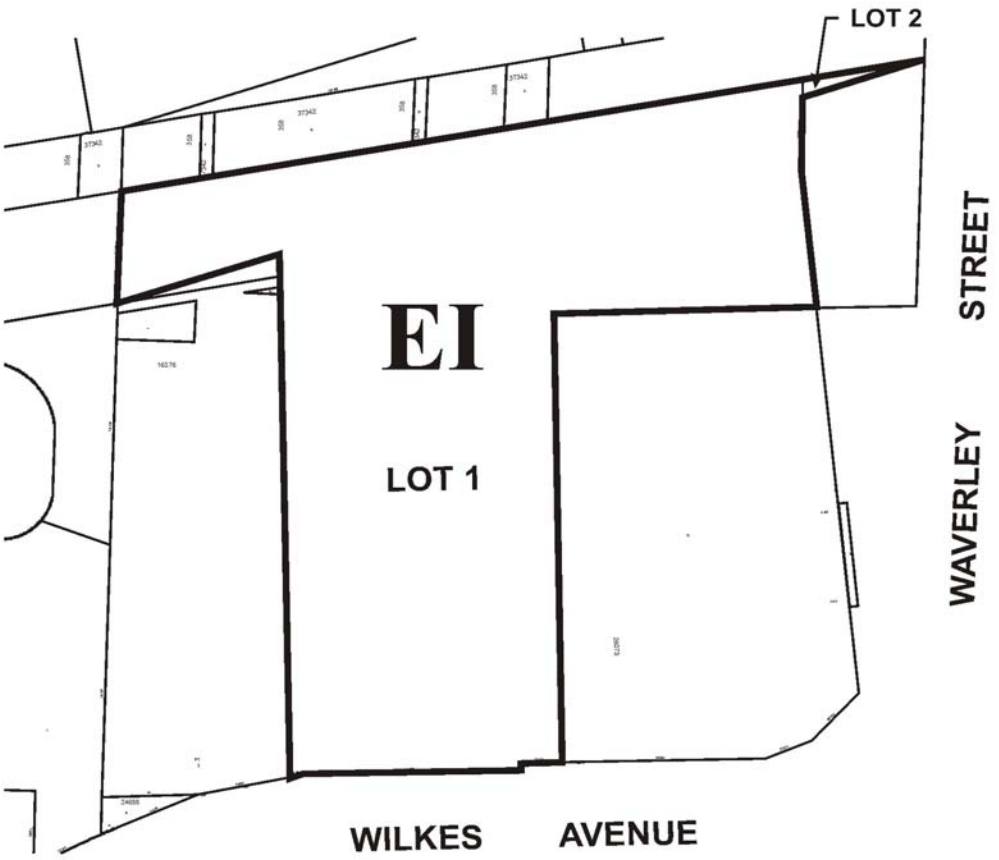
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 877 WILKES AVENUE - DASZ 34/09

It is recommended that the approval of DASZ 34/09 be subject to the following:

A. Plan Considerations

The Applicant transferring and legally opening, at no cost to the City, property required for the widening of the Waverley Street right-of-way, as determined by the Director of Public Works and shown on Schedule B as Lot 2.

B. Servicing Agreement

The Applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

The Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a 40.0-m extension plus new upstream transition to the existing eastbound left-turn storage lane serving the development at the existing median opening on Wilkes Avenue, as determined by, and to the satisfaction, of the Director of Public Works.

The Developer shall ensure that construction traffic uses access routes determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping, is complete, all as determined by, and to the satisfaction of, the Director of Public Works.

The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of, and provision of as-built drawings showing, the required storage-lane extension.

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 34/09
December 21, 2009

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

/sm

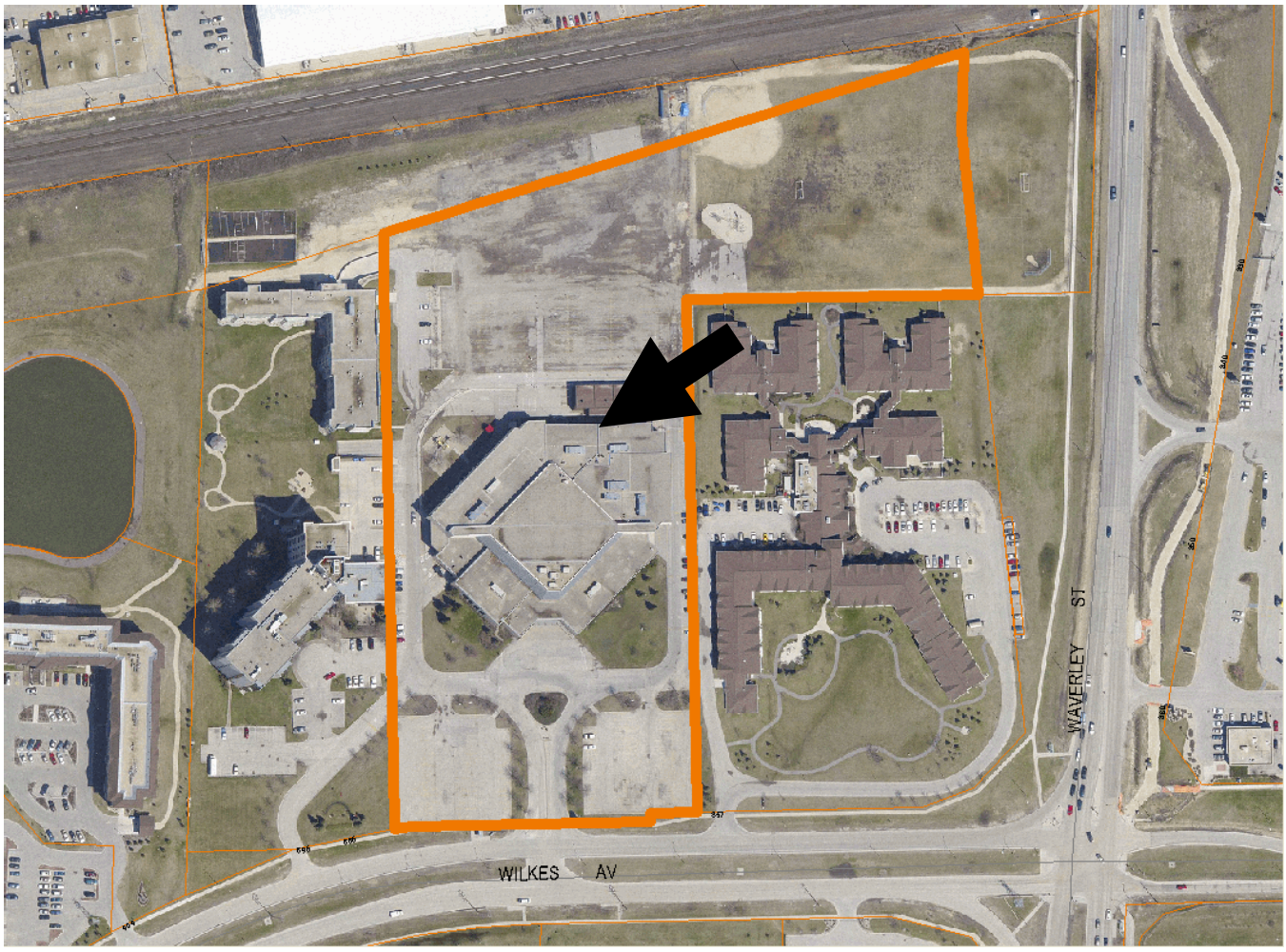


Figure 1: Existing Land-Uses for subject property and Surrounding Area.



Figure 2: Existing Zoning for subject property and Surrounding Area.