Agenda - Council – February 24, 2010

Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 6 Subdivision and Rezoning – 529 Selkirk Avenue (northeast of Selkirk Avenue and Andrews Street)
(Mynarski Ward)
File DASZ 29/2009 [c/r DAC 8/2009]

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2010, 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 submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 29/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2009 dated November 30, 2009, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2009 dated November 30, 2009, to a "C2" Commercial Community District and to relocate the northern limit of the Neighbourhood Main Streets Planned Development Overlay to encompass Proposed Lot 1 subject to the following:

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

        i. That, for the development of any building, landscaping, parking, loading, signage, fences and lighting on Proposed Lot 1, plans, showing the locations and designs of these elements, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the following uses shall not be permitted on that portion of Proposed Lot 1 that is north of the southern limit of the existing public lane between Selkirk and Pritchard Avenues:

a. auction room;
b. auditorium/concert hall/theatre/cinema;
c. auto parts and supplies, sales;
d. auto/light truck/motorcycle, sales and rental;
e. body modification establishment;
f. bus depot;
g. cheque-cashing facility;
h. contractor's establishment;
i. drinking establishment;
j. fuel sales;
k. funeral chapel or mortuary;
l. hall rental;
m. hospital;
n. hotel or motel;
o. landscape or garden supplies;
p. personal services;
q. protection and emergency services;
r. recycling collection centre;
s. restaurant;
t. retail sales;
u. single room occupancy;
v. studio, radio/tv/motion picture broadcast and production;
w. transit station; and
x. x-rated store.

iii That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv That no illuminated sign face shall be visible from Pritchard Avenue.

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 the creation of additional lots.

Report - Standing Policy Committee on Property and Development – February 2, 2010

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the 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 – February 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, 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 February 2, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendments, namely:

- Amend Recommendation No. 1.A. by deleting following words:

  "with the following amendments, namely:

  i. Delete Condition G in its entirety.
  ii. Delete Condition I in its entirety
  iii. Renumber Condition H to Condition G"

- Add the following Recommendation No. 3, and renumber the remaining recommendations accordingly

  "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 the creation of additional lots."

and forwarded the matter to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development – February 2, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation No. 1.A. by adding the following words at the end thereof, namely, "with the following amendments, namely:

    - Delete Condition G in its entirety.
    - Delete Condition I in its entirety
    - Renumber Condition H to Condition G

- Delete Recommendation No. 3 in its entirety, and renumber the balance of the recommendations accordingly

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

On December 7, 2009, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on January 12, 2010 at 5:00 p.m. in the Council Building, 510 Main Street, to allow the applicant to hold a public consultation meeting and respond to any questions or concerns regarding the subject proposal, with an invitation being extended to the Senior Planner for the Lord Selkirk-West Kildonan Community.

RE: **Subdivision and Rezoning - 529 Selkirk Avenue (northeast of Selkirk Avenue and Andrews Street)**
File DASZ 29/2009 [c/r DAC 8/2009]

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

Prepared by: **Ms Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **January 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2010, 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 proposed under File DASZ 29/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2009 dated November 30, 2009, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2009, ***with the following amendments, namely:***

        i. Delete Condition G in its entirety
        ~~"G. The Developer shall pay cash in lieu of dedication of land for public open space, in accordance with City Policy."~~

        i. Delete Condition I in its entirety
        ~~"I. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement."~~

        iii. Renumber Condition H to Condition G

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2009 dated November 30, 2009, to a "C2" Commercial Community District and to relocate the northern limit of the Neighbourhood Main Streets Planned Development Overlay to encompass Proposed Lot 1 subject to the following:

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

i. That, for the development of any building, landscaping, parking, loading, signage, fences and lighting on Proposed Lot 1, plans, showing the locations and designs of these elements, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the following uses shall not be permitted on that portion of Proposed Lot 1 that is north of the southern limit of the existing public lane between Selkirk and Pritchard Avenues:

a. auction room;
b. auditorium/concert hall/theatre/cinema;
c. auto parts and supplies, sales;
d. auto/light truck/motorcycle, sales and rental;
e. body modification establishment;
f. bus depot;
g. cheque-cashing facility;
h. contractor's establishment;
i. drinking establishment;
j. fuel sales;
k. funeral chapel or mortuary;
l. hall rental;
m. hospital;
n. hotel or motel;
o. landscape or garden supplies;
p. personal services;
q. protection and emergency services;
r. recycling collection centre;
s. restaurant;
t. retail sales;
u. single room occupancy;
v. studio, radio/tv/motion picture broadcast and production;
w. transit station; and
x. x-rated store.

iii That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv That no illuminated sign face shall be visible from Pritchard Avenue.

~~***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 the creation of additional lots.***~~

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

4. ~~5.~~ That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. ~~6.~~ That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. ~~7.~~ That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

7. ~~8.~~ That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. ~~9.~~ That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. ~~10.~~ That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. ~~11.~~ That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. A tree removal application will be made.

2. The loading zone and fencing issues have been addressed.

3. This is a good proposal and due diligence has been followed.

PUBLIC HEARING SUMMARY

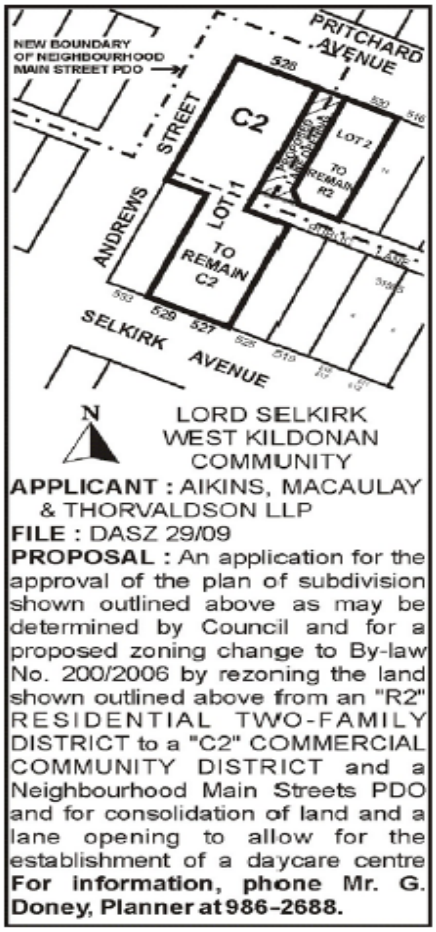
File: DASZ 29/2009 [c/r DAC 8/2009]

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

Public Hearing: January 12, 2010
December 7, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Aikins, MacAulay & Thorvaldson LLP (Robert Tyler)

Subject:



Premises Affected: 529 Selkirk Avenue (northeast of Selkirk Avenue and Andrews Street)

Exhibits Filed:

1. Application dated September 15, 2009
2. Notification of Public Hearing dated November 2, 2009
3a. Manitoba Status of Title(s) 2363925, 2363929 and 2363930
3b. Title Search(s) 2203782 and 1822493
4. Letter of authorization undated from Urban Circle Training Centre Inc. to Aikins MacAulay & Thorvaldson LLP (and Robert L. Tyler)
5. Title Plot
6. Plan
7. Report from the Planning and Land Use Division dated November 30, 2009
8. Inspection Report
9. Notice of Adjournment dated December 8, 2009
10. Communication dated December 10, 2008, addressed to the Downtown Point Douglas Manitoba Child Care Program, Family Services and Housing, from S & D Resources Health & Learning in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
11. Communication dated January 6, 2009, addressed to Urban Circle Training Centre from the Mosaic Market Business Improvement Zone in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
12. Communication dated February 3, 2009, addressed to Makoonsag, c/o Urban Circle, from the President, Neechi Foods Co-operative in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
13. Communication dated February 3, 2009, addressed to Urban Circle Training Centre from the Chair, Community Services, Red River College in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
14. Communication dated February 4, 2009, addressed to Urban Circle Training Centre Inc. from the Director and Associate Professor, Inner City Social Work Program, University of Manitoba in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
15. Communication dated February 6, 2009, addressed to Urban Circle Training Centre Inc. from the Executive Director, North End Community Renewal Corporation (NECRC) in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.

16. Communication dated February 6, 2009, addressed to Urban Circle Training Centre, Inc. from the President, Selkirk Avenue Business Improvement Zone in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
17. Communication dated February 18, 2009, addressed to Urban Circle Training Centre Inc. from the Co-chair, William Whyte Residents Association in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
18. Communication dated May 20, 2009, addressed to Urban Circle Inc. from the Co-Director, Community Education Development Association (CEDA) in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
19. Communication dated May 25, 2009, addressed to Urban Circle Training Centre from the Director of the Indian Family Centre in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
20. Communication dated May 25, 2009 from the Executive Director, North End Women's Centre Inc. in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
21. Communication dated October 20, 2009, addressed to Urban Circle Training Centre Inc. from the Executive Director, Partners for Careers in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
22. Communication dated October 23, 2009, addressed to Urban Circle Training Centre Inc. from the Director, Aboriginal Education Directorate, Province of Manitoba, in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
23. Communication dated October 29, 2009, addressed to Urban Circle Training Centre from the Executive Director, Ma Mawi Wi Chi Itata Centre in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
24. Package with respect to the application, including information on an open house held December 16, 2009, The Times newspaper article entitled "Centre aims to enable families to learn together" dated December 31, 2009, drawings (3), and photographs (3), submitted by Eleanor Thompson, Urban Circle Training Centre Inc.

25. Revised Report from the Planning and Land Use Division dated January 5, 2010
26. Audio Recording of representations of public hearing held on January 12, 2010

REPRESENTATIONS:

In Support:

Stephen Britton
Louise Champagne, Neechi Foods Co-operative
Kim Clare, Inner City Social Work Program, University of Manitoba
Levette Demchuk, William Whyte Residents Association
Roberta Hewson, Partners for Careers
Josie Hill, Ma Mawi Wi Chi Itata Centre
Janet Jamieson, Community Services, Red River College
Astrid Lichti, Mosaic Market Business Improvement Zone
Stanley McKay, S & D Resources Health & Learning
Robert Neufeld, North End Community Renewal Corporation
Anthony Niiganii and Diane Scribe Niiganii
Patty Parsons, North End Women's Centre
Helene Robinson-Settee, Aboriginal Education Directorate, Province of Manitoba
Karen Schlichting for Jeanet Sybenga, Indian Family Centre
Tom Simms, Community Education Development Association
Greg and Sharon Slater
Dudley and Eleanor Thompson
Sylvia Todaschuk, Selkirk Avenue Business Improvement Zone
Robert L. Tyler, Aikins, MacAulay and Thorvaldson LLP

In Opposition

Nil

For Information:

Nil

For the City:

Mr. B. Boyachuk, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "25" referred to in File DASZ 29/2009

ADMINISTRATIVE REPORT - REVISED

ISSUE: DASZ 29/2009 – northeast of Selkirk and Andrews – Public Hearing

Critical Path: Lord Selkirk – West Kildonan Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 29/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2009 dated November 30, 2009, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2009 dated November 30, 2009, to a "C2" Commercial Community District and to relocate the northern limit of the Neighbourhood Main Streets Planned Development Overlay to encompass Proposed Lot 1 subject to the following:

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

      i. That, for the development of any building, landscaping, parking, loading, signage, fences and lighting on Proposed Lot 1, plans, showing the locations and designs of these elements, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the following uses shall not be permitted on that portion of Proposed Lot 1 that is north of the southern limit of the existing public lane between Selkirk and Pritchard Avenues:

a. auction room;
b. auditorium/concert hall/theatre/cinema;
c. auto parts and supplies, sales;
d. auto/light truck/motorcycle, sales and rental;
e. body modification establishment;
f. bus depot;
g. cheque-cashing facility;
h. contractor's establishment;
i. drinking establishment;
j. fuel sales;
k. funeral chapel or mortuary;
l. hall rental;
m. hospital;
n. hotel or motel;
o. landscape or garden supplies;
p. personal services;
q. protection and emergency services;
r. recycling collection centre;
s. restaurant;
t. retail sales;
u. single room occupancy;
v. studio, radio/tv/motion picture broadcast and production;
w. transit station; and
x. x-rated store.

iii That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv That no illuminated sign face shall be visible from Pritchard Avenue.

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 the creation of additional lots.

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

5. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the 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 of the Planning and Land Use Division are concurred in:

- a plan of subdivision that creates a public lane and one lot and widens an existing lot can be registered; and
- the portion of Proposed Lot 1 zoned “R2” Residential Two-family District can be rezoned to “C2” Commercial Community District and the boundary of the Neighbourhood Main Streets Planned Development Overlay can be expanded to encompass this land.

This land (Proposed Lot 1) could then be developed into the intended use of daycare centre and social service facility.

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	J. Glen Doney
Date	January 5, 2010
File	DASZ 29/2009

Attachments and Schedules

Attachment 1 – Planning Discussion

Schedule “A” for File No. DASZ 29/2009, Lord Selkirk – West Kildonan Community Committee, dated November 30, 2009

Schedule “B” – Report of the Administrative Coordinating Group, Proposed Subdivision and Rezoning of Land Northeast of Selkirk and Andrews – DASZ 29/09

ATTACHMENT 1 – PLANNING DISCUSSION

Date January 5, 2010

File DASZ 29/2009

Related File DAC 8/2009

Subject a plan of subdivision to create a public lane and one lot and to widen an existing lot, a rezoning of Proposed Lot 1 from "R2" Residential Two-family District to "C2" Commercial Community District and the relocation of the boundary of the Neighbourhood Main Streets Planned Development Overlay to encompass this land – for the establishment of a daycare centre and social service facility on Proposed Lot 1

Location northeast of Selkirk and Andrews



Applicant Aikins, Macauly and Thorvaldson – Robert Tyler

Owners Urban Circle Training Centre and N. & I. Borisov

Recommendation Approval with conditions

PLANNED AREA AND CONTEXT

LOCATION AND SIZE

The planned area is in the William Whyte Neighbourhood and the Mynarski Ward. It is between Pritchard and Selkirk Avenues and east of Andrews Street. It includes parcels of land and a portion of the public lane between Selkirk and Pritchard Avenues and east of Andrews Street.

LAND USE

One of the lots abutting Pritchard Avenue contains a single-family dwelling. The other abutting lots are undeveloped. The lots abutting Selkirk Avenue contain a vacant commercial building.

Commercial uses are west of the planned area, including a hotel and surface parking. Single-family dwellings and a multiple-family dwelling are north of the planned area. Single-family dwellings, institutional and commercial uses are east of the land. South of the planned area are commercial and residential uses.

Figure 1 is 2009 aerial photography showing the planned area and vicinity.

ZONING AND POLICY AREA

The planned area is partly in an "R2" Residential Two-Family District and partly in a "C2" Commercial Community District and a Neighbourhoods Main Streets Planned Development Overlay. "R2" Districts are north, west and east of the planned area. "C2" Commercial Community Districts are east, west and south of the planned area.

The planned area is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.*

Figure 2 shows existing zoning.

TRANSPORTATION

The planned area is abutting Selkirk Avenue to the south, Andrews Street to the west and Pritchard Avenue to the north. At and near the planned area, Selkirk Avenue is a regional street, on which are Winnipeg Transit bus routes. Vehicles are allowed to park on Selkirk Avenue. Pritchard Avenue is a residential street in this area. Andrews Street is nearly perpendicular to the aforementioned avenues and connects residential streets to Selkirk Avenue.

PROPOSED DEVELOPMENT

The proposal is:

- to close a portion of the public lane between Selkirk and Pritchard Avenues, east of Andrews Street, as per File DAC 8/2009;
- to open a public lane connecting the existing lane to Pritchard Avenue;
- to widen the single-family dwelling lot at 520 Pritchard;

- to consolidate into one lot the undeveloped lots southeast of Pritchard and Andrews, the public lane closure and the lots at 527 and 529 Selkirk Avenue; and
- to develop the vacant building at 527 and 529 Selkirk into a daycare and a social service facility, with the daycare's play area and the drop off / pick up area southeast of Pritchard and Andrews.

The play area may be used for intergenerational gatherings as well. A 7.5 foot high fence is proposed.

To obtain a development permit, Proposed Lot 1 must be rezoned from "R2" Residential Two-family District to "C2" Commercial Community District. The boundary of the Neighbourhood Main Streets Planned Development Overlay is to be relocated to encompass this land.

On-site parking is not provided because that is the existing situation for the building at 527 and 529 Selkirk Avenue. Furthermore, the proponent has stated that a significant portion of users of the facility will access it by a mode other than the private motor-vehicle. The pick up / drop off area is to double as a loading zone.

Figure 3 is the proposed development and context. It shows the first floor interior of the building. A basement level would include classroom space.

ANALYSIS

PLAN WINNIPEG

Given that the planned area is in a Neighbourhood policy area and is abutting or near "R2" and "C2" Districts, the proposed subdivision and rezoning conform to Plan Winnipeg. The proposed development would make use of vacant land and a vacant building and, therefore, would conform to Policy 3A-02, "Promote Compact Urban Form," of Plan Winnipeg.

As discussed in the Subsection "LAND USE," the proposed development would be compatible with nearby uses and, therefore, would conform to Policy 3A-01, "Promote Orderly Development," of Plan Winnipeg.

ZONING

The maximum height requirements for a fence in a front yard and a side yard in a "C2" District are four and 6.5 feet, respectively. An application to vary these requirements has been made. This matter has been scheduled for the February 9, 2010 meeting of the Lord Selkirk – West Kildonan Community Committee. There will be a planner's report, specific to this application, with recommendations.

LAND USE

The proposed development would make use of a vacant building and vacant land in a manner that would enhance the neighbourhood because it would be at a scale and density compatible with nearby uses.

TRANSPORTATION

Given that no parking is provided, the development should include a secure, rainproof bicycle enclosure for at least 12 bicycles in the planned area. The enclosure should be visible from the north entrance to the building.

RECOMMENDATION

The Planning and Land Use Division recommends for the proposed plan of subdivision and rezoning to be approved and that a zoning agreement is entered into with the City.

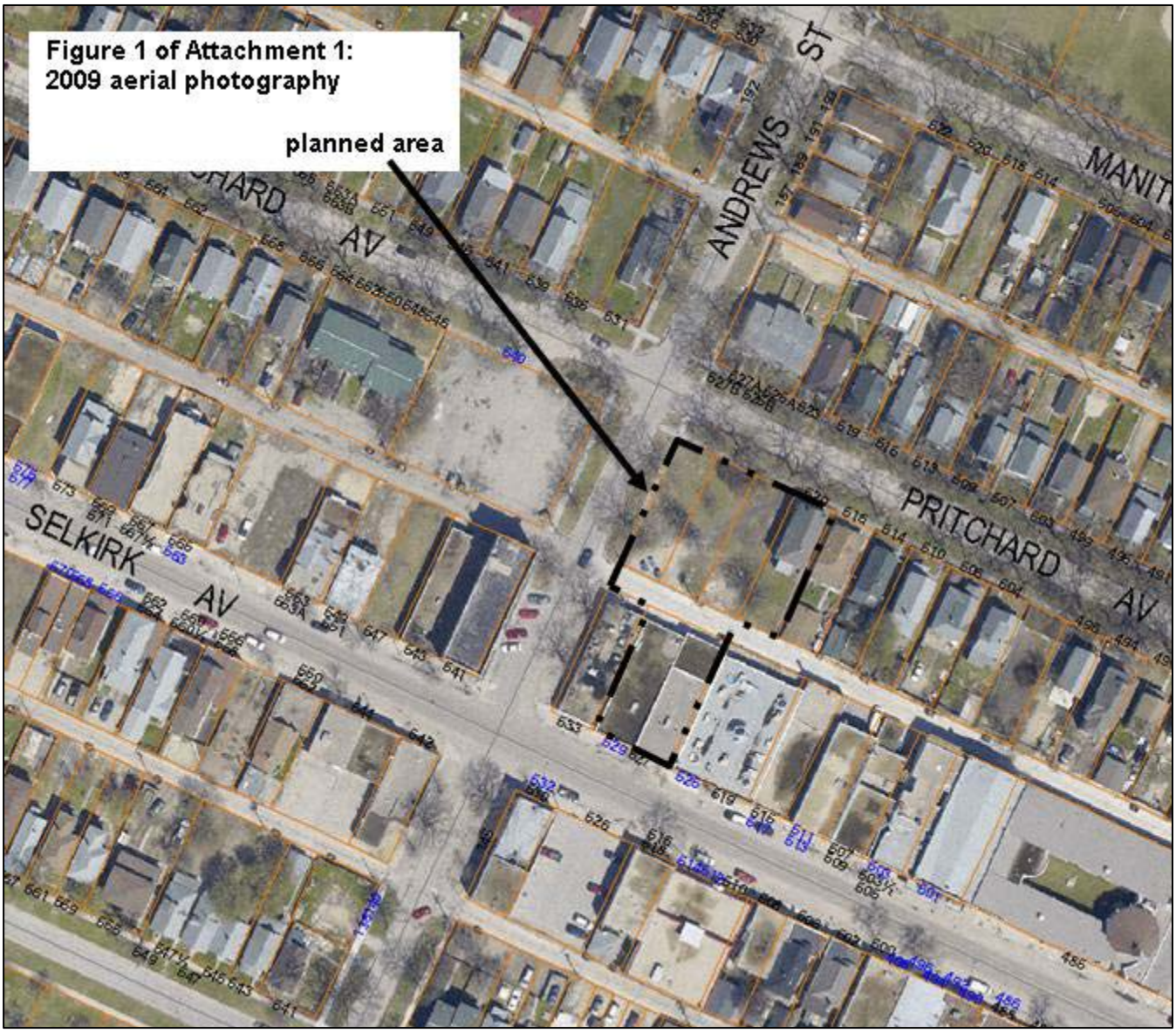
The Zoning Agreement would:

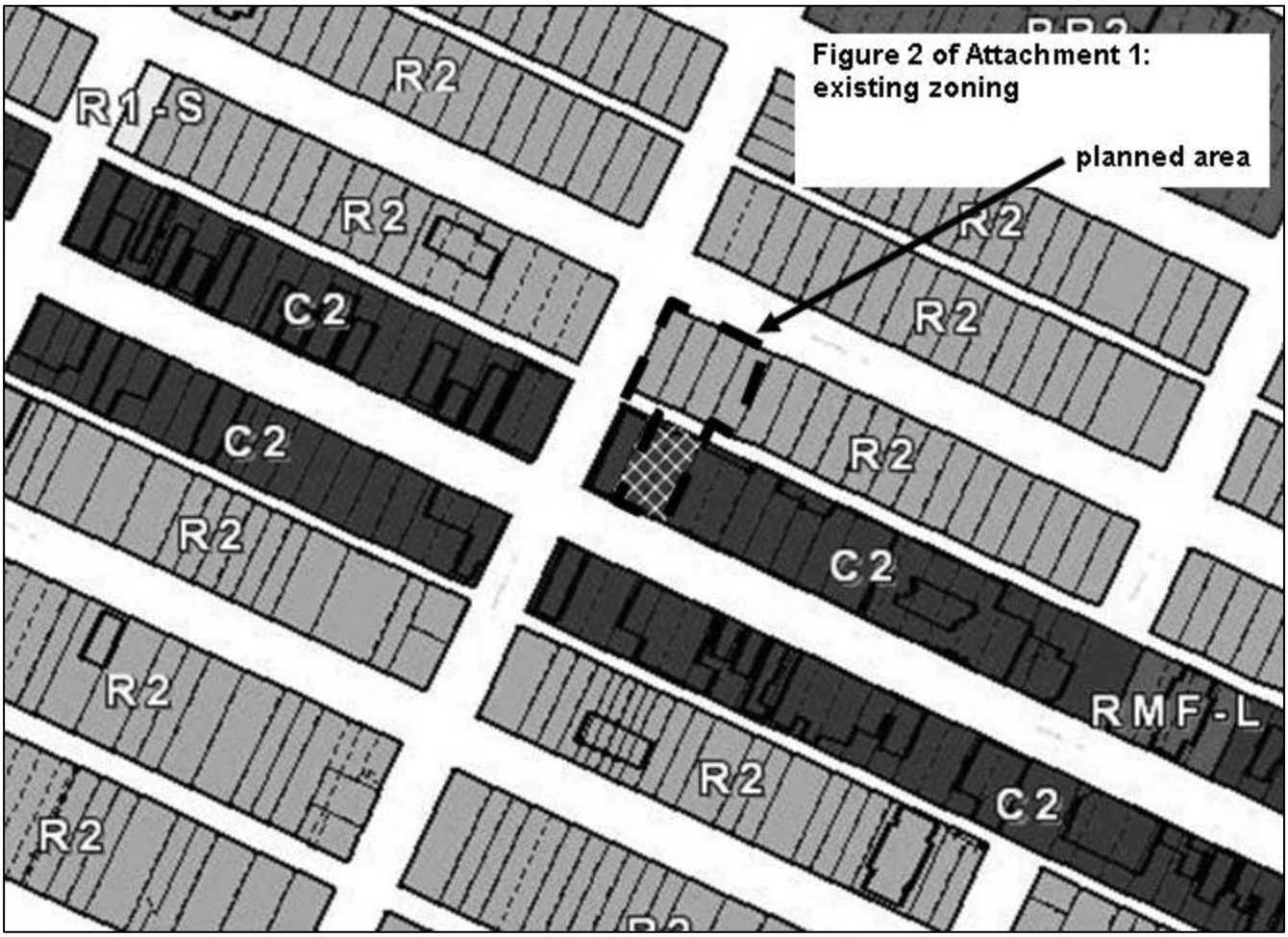
- require approval of plans by the Director of Planning, Property and Development prior to issuance of a development or building permit to ensure development on the planned area is designed to be compatible with nearby residential uses; and
- prevent the establishment of uses and signage that are generally incompatible with residential uses.

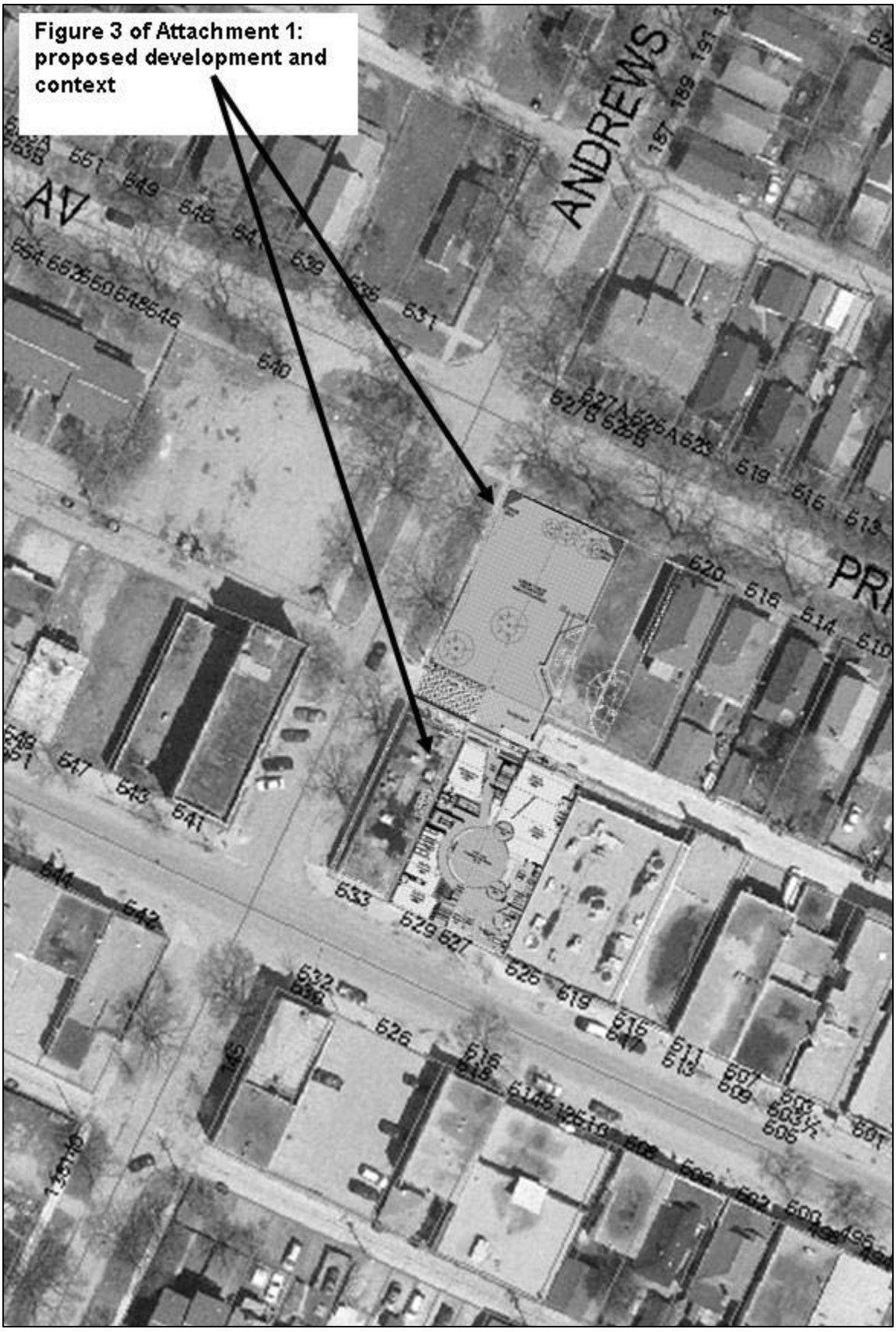
This Report Submitted by
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by
J. Glen Doney

PPD File DASZ 29/2009


Figure 1 of Attachment 1:
2009 aerial photography
planned area
ANDREWS ST
PRITCHARD AV
SELKIRK AV


Figure 2 of Attachment 1:
existing zoning
planned area
R2
R1-S
R2
C2
C2
R2
R2
R2
R2
C2
RMF-L
R2
C2
R2


Figure 3 of Attachment 1: proposed development and context
ANDREWS
AV
PR

SCHEDULE "A" FOR FILE NO. DASZ 29/2009

Lord Selkirk – West Kildonan Community Committee, dated November 30, 2009

By-Law No. _____

File No. **DASZ 29/09**

Atlas Sheet No. **X24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 528 Pritchard Avenue and the adjacent parcel from an "R2" Residential Two-Family District to a "C2" Commercial Community District and a Neighbourhood Main Streets PDO and for consolidation of land and a lane opening to allow for the establishment of a daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B" - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP
Proposed Subdivision and Rezoning of Land Northeast of Selkirk and Andrews – DASZ 29/09

It is recommended that the approval of DASZ 29/09 be subject to the applicant entering into a Development Agreement with the City of Winnipeg, containing the following conditions:

A. The Developer shall, at no expense to the City, construct, in Portland cement concrete pavement, a standard 5.0-m residential lane, including an appropriate radius in the corner-cut at the 90^{o} deflection of the lane, and all related works, including, but not necessarily limited to, land drainage sewer, if required, in the proposed public lane.

B. The Developer shall remove the existing lane turn-out at Andrews Street and restore the curb, boulevard, and sidewalk on Andrews Street, all as determined by, and to the satisfaction of, the Director of Public Works – unless the Developer applies to, and obtains approval from, the Director of Public Works to maintain the lane turnout onto Andrews Street as a private approach to the premises at 533 Selkirk Avenue.

C. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

D. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

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

F. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

G. The Developer shall pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

H. The Developer shall pay the full cost of engineering services in connection with the design and construction of, and provision of as-built drawings within three months of substantial performance showing, the lane and any drainage works required to serve the Planned Area.

I. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 29/09
October 27, 2009

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

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