Minutes – Executive Policy Committee – April 21, 2010

REPORTS

Minute No. 242 Subdivision and Rezoning – 817 Bannatyne Avenue (Point Douglas Ward) File DASZ 32/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends to Council:

1. That the plan of subdivision proposed under File DASZ 32/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2009 dated April 7, 2010 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 DASZ 32/2009 dated April 7, 2010 to an "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 use of the subject land shall not include:
            a. jail / detention centre;
            b. sports or entertainment arena/stadium;
            c. bus depot;
            d. transit station; or
            e. recycling collection centre

iii. 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;

iv. 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;

v. 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;

vi. 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;

vii. 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;

viii. 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;

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

x. 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.

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 Director of Legal Services and City Solicitor 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 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 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted the matter to the Executive Policy Committee and Council.

RE: **Subdivision and Rezoning – 817 Bannatyne Avenue**
File DASZ 32/2009 [c/r DAV 105229/2010D]

For submission to: **Executive Policy Committee**

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

Report date: **April 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2010, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 32/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/09 dated April 7, 2010 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for DASZ 32/09 dated April 7, 2010 to an "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 use of the subject land shall not include:
            a. jail / detention centre;
            b. sports or entertainment arena/stadium;
            c. bus depot;
            d. transit station; or
            e. recycling collection centre

iii. 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;

iv. 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;

v. 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;

vi. 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;

vii. 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;

viii. 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;

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

x. 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.

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 Director of Legal Services and City Solicitor 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 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 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. This is a good project and it involved good community engagement.

PUBLIC HEARING SUMMARY

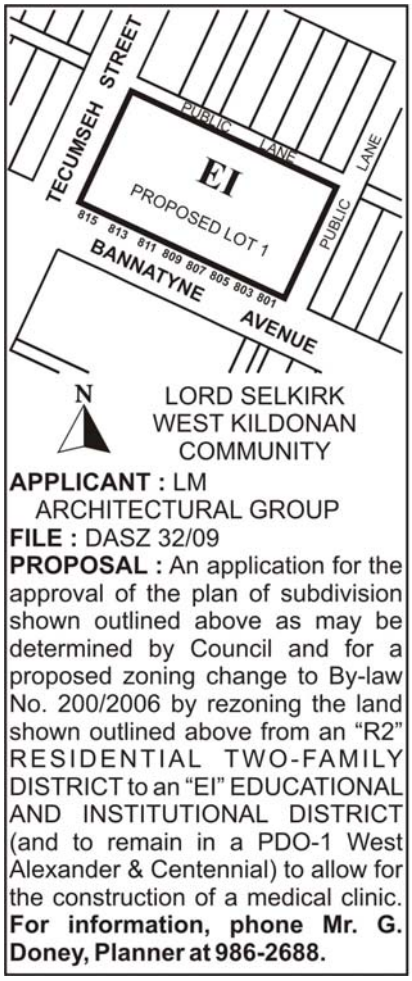
File: DASZ 32/2009 [c/r DAV 105229/2010D]

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

Public Hearing: April 13, 2010
North Committee Room
Council Building, 510 Main Street

Applicant: LM Architectural Group (Matthew Bowering)

Subject:



Premises Affected: 817 Bannatyne Avenue

Exhibits Filed: 1. Application dated February 16, 2010

2. Notification of Public Hearing dated March 1, 2010
3. Manitoba Status of Titles 1718954, 1718957, 1724185, 2381003, 2381007, 2381008, 2381009 and 2395750
4. Letter of authorization dated August 21, 2009 from Winnipeg Regional Health Authority to LM Architectural Group
5. Drawing of subject property
6. Plans (12 pages)
7. Report from the Planning and Land Use Division dated April 7, 2010
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Matthew Bowering, LM Architectural Group
Ken Kollinger, Winnipeg Regional Health Authority
Tom Alston
Murray Enns
Heather Forrest
Grant Platts
Carolyn Strutt

In Opposition:

Nil

For Information:

Fred Curry
Catherine Collins
Cheri Wright Kaguah
Allan Wise

For the City:

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

Exhibit "7" referred to in File DASZ 32/2009 [c/r DAV 105229/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 32/09 – 817 Bannatyne Ave – Public Hearing

Issue: For consideration at a Public Hearing a subdivision and rezoning to facilitate the construction of a medical clinic.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	NA	NA	

RECOMMENDATIONS

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

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued once site plans have been approved by the Director of Planning, Property and Development.

HISTORY

On July 16, 2008, Council adopted By-law 64/2008, the *West Alexander & Centennial Neighbourhood Plan* as a secondary plan.

CONSULTATION

In preparing this report there was consultation with:

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup
Date:	April 7, 2010
File No.	DASZ 32/2009

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 32/2009

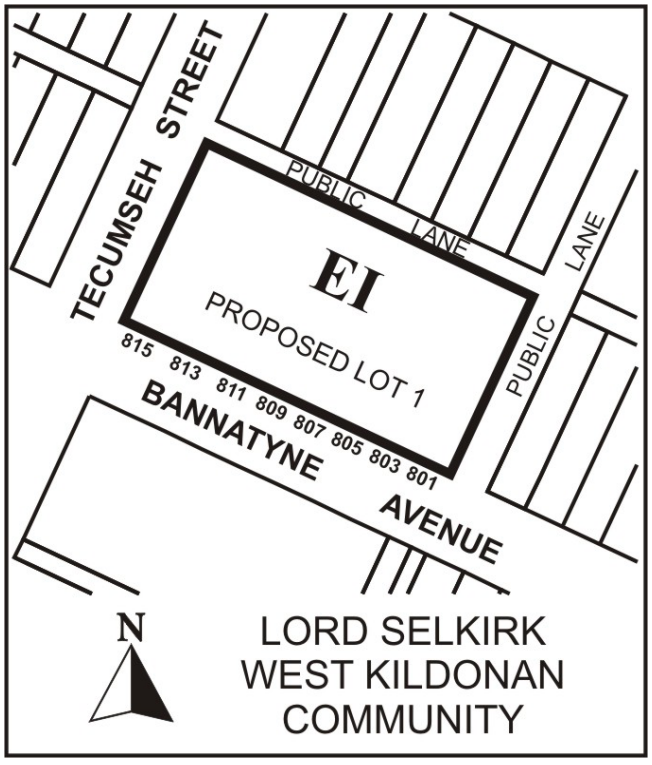
APPENDIX 'A'

DATE: April 7, 2010

FILE: DAV 10-105229/D
RELATED FILES: DASZ 32/2009
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.105

SUBJECT: Consolidate eight (8) separate lots into one (1) and rezone to allow the construction of a medical clinic.

LOCATION: 817 Bannatyne AVE
LEGAL DESCRIPTION: Lots 21-25, Block A, Plan 901; SP Lots 18-20, Plan 326693



APPLICANT: Matthew Bowering LM Architectural Group
136 MARKET AVE SUITE 500
WINNIPEG MB R3B 0P4

OWNER: Winnipeg Regional Health Authority

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The Winnipeg Regional Health Authority wants to construct the Community Mental Health Crisis Response Centre (CRC) and the Second Energy Centre (SEC).
- The development compiles with the West Alexander & Centennial Neigbourhood Plan.
- The lands are designated 'Institutional Area' under the *West Alexander & Centennial Neighbourhood Plan.*
- The building will be two storeys (9 metres / 29 feet) in height.

SURROUNDING LAND USES AND ZONING

- The subject properties are zoned R2 and is 44,777 sq. ft located on the northeast corner of Bannatyne Ave and Tecumseh St in the West Alexander neighbourhood of the Point Douglas Ward.
- The subject properties are occupied by eight (8) single family dwellings that range in one storey to one storey and half in height; half the houses were constructed in the1920's and half in the 1940's.
- The lands are designated 'Institutional Area' under the *West Alexander & Centennial Neighbourhood Plan.*
- Surrounding lands to the north across the rear public lane is a surface parking lot zoned R2; to the south across Bannatyne Ave, is a two storey parking structure zoned EI; to the east across the public lane is a two story building (HSC PyscHealth Centre) zoned EI; to the west across Tecumseh St is a one story brick building (Adolescent Treatment Centre) and single family dwellings zoned R2.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Winnipeg Regional Health Authority wants to construct the Community Mental Health Crisis Response Centre (CRC) and the Second Energy Centre (SEC).

- The CRC will provide a central point of access for people experiencing a mental-health crisis and will be open seven (7) days a week, 24 hours a day.
- The building will be two storeys (9 metres / 29 feet) with a 1160 sq.m (12,486 sq.ft) main floor and a 820 sq m. (8,826 sq.ft.) second floor.
- There will not be a sleeping facilities for clients.
- The SEC will provide supplemental mechanical infrastructure for the Hospital's heating and cooling requirements.
- The building will be approximately 10 meters (32 feet) in height.

ANALYSIS AND ISSUES

SECONDARY PLAN

- **West Alexander & Centennial Neigbourhood Plan** is based on the concept of a Health and Wellness District – where principles of a healthy neighbourhood are valued, promoted, and shared.
- There are specific requirements for the dimensional standards of buildings to reduce the potential for shadowing and loss privacy from buildings:
    - The maximum height of buildings anywhere within the Institutional Policy Area may not exceed 5 storyes or 52 feet in height.

    - The buildings may increase proportional to the distance from a residential boundary to a 1 to 2 ratio (as measured from the residential boundary line), 200 feet, or 20 storeys, whichever less.

- **West Alexander & Centennial Planned Development Overlay (PDO-1)** purpose is to implement the policies of the West Alexander & Centennial Neighbourhood Plan.
- There are specific requirements for the dimensional standards of buildings.
    - The maximum height of buildings on the east side of Tecumseh between William Avenue and Notre Dame are restricted to 5 storyes or 52 feet in height within 104 feet of the Institutional Boundary.

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

- **R2 Residential Two Family District** is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods.
    - There is a front yard requirement of 20 feet and the maximum building height is 35 feet.
    - Side yards are minimum 4 feet.
    - The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).

LAND USE BY-LAW

- Variances for substandard yards and landscaping have been applied for under DAV 10-105229/D.
- 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.

TRANSPORTATION AND SITE ACCESS

- There will be seven (7) parking stalls with direct access to the northerly public lane.
- There will be no ingress/egress along Bannatyne Avenue.

SITE DESIGN

- Preliminary site plans submitted indicate the CRC building will be located on the western half of the subject property and the Second Energy Centre (SEC) will be located on the eastern half.
- Two sets of entrances for the CRC building will be located on the south side of the building facing Bannatyne Avenue; a third set of doors will be located on the north side with direct access to the parking stalls at the rear of the building.
- Exterior cladding of the building will be in Tyndal Stone and Aluminum panels.
- Fenced in bike storage will be located on the east side of the CRC, between the two new buildings.
- An green space will separate the two (2) new buildings.
- An underground tunnel connection for the buildings will be used to transfer waste to the HSC.
- Plans for the SEC building have not been submitted at this time.

PUBLIC CONSULTATION

An open community consultation was held at the Health Science Centre on December 15, 2009 between 4:00 p.m. and 7:00 p.m.

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.

RECOMMENDATIONS

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:

- The West Alexander & Centennial Neighbourhood Plan is based on the understanding that bio-medical land-uses such as those found in the EI district would be established in the area.
- This development strikes a balance that supports the growth of a vitally important institution for this community, region, and province while not compromising the quality of the residential neighbourhood.
- The surrounding land-uses to the west and east are similar in nature.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 32/2009

Schedule “A” for File No. DASZ 32/09, LSWK Community Committee, dated April 7, 2010.

By-Law No. _____

File No. **DASZ 32/09**

Atlas Sheet No. **Y23**

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 817 Bannatyne Ave from an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to an “EI” EDUCATIONAL AND INSTITUTIONAL DISTRICT (and to remain in a PDO-1 West Alexander & Centennial) to allow for the construction of a medical clinicto allow for the construction of a medical clinic as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

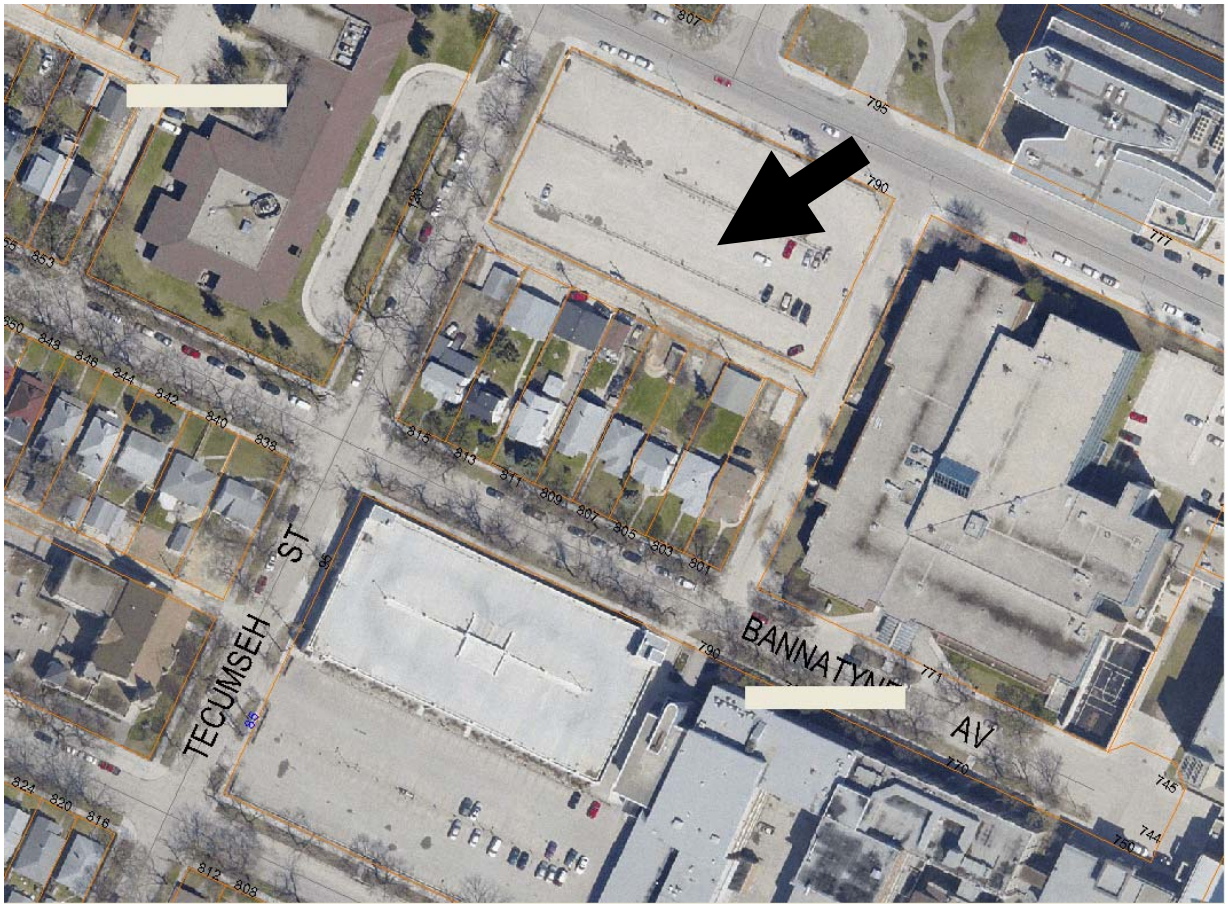


Figure 1: Existing Land-Uses for subject property and Surrounding Area.



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