Agenda - Council – September 22, 2010

Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 11 Rezoning – 129 Dagmar Street
(Point Douglas Ward)
File DAZ 221/2009 [c/r SPA 3/2009 & DAV 168407/2009D]

STANDING COMMITTEE RECOMMENDATION:

On September 15, 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 and submits the following to Council:

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 221/2009 dated June 28, 2010 to "CMU" Commercial Mixed-Use District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, for the development of any surface parking, plans shall be submitted showing the location and design of the parking area, fencing, lighting and landscaping 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. The following uses shall not be permitted:
            - Amusement enterprise, indoor or outdoor
            - Animal hospital or veterinary clinic
            - Auction room
            - Auditorium/concert hall/theatre/cinema
            - Auto parts and supplies, sales
            - Auto/light truck/motorcycle, repair and service
            - Auto/light truck/motorcycle, sales and rental
            - Bus depot
            - Call centre
            - Car wash
            - Drive-in or drive-through
            - Fuel sales
            - Hospital

- Hotel or motel
- Kennel
- Landscape or garden supplies
- Sports or entertainment arena/stadium, indoor;

iii. The following uses shall be deemed conditional uses:
- College or university
- Hostel
- Neighbourhood rehabilitation home
- Place of worship
- Recycling collection centre
- Social service facility
- Studio, radio/TV/motion picture broadcast and production
- Supermarket

iv. That the use specific standard limiting galleries/museums to a maximum gross floor area of 10,000 square feet applies;

v. That the use specific standards limiting medical/dental/optical/counseling clinics, office uses and personal service uses that are not listed in the zoning by-law's principal use table to a maximum gross floor area of 5,000 square feet applies;

vi. That the use specific standard limiting the hours of operation of personal service uses that are not listed in the zoning by-law's principal use table to between 9 a.m. and 9 p.m.;

vii. That the use specific standard limiting restaurants to a maximum gross floor area of 2,500 square feet applies;

viii. That the use specific standard prohibiting restaurants from having drive-in or drive-through facilities applies;

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

x. That Lots 7 to 11, Plan 33086, be consolidated into one lot in a new plan of subdivision.

Report - Standing Policy Committee on Property and Development – September 14, 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 in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when 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 by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 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 and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Delete the final bullet of Recommendation No. 1.A.iii
- Delete Recommendation No. 1.A.iv
- Renumber the balance of Recommendation No. 1.A. accordingly,

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

RE: **Rezoning – 129 Dagmar Street**
File DAZ 221/2009 [c/r SPA 3/2009 & DAV 168407/2009D]

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

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

Report date: **July 7, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 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 City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 221/2009 dated June 28, 2010 to "CMU" Commercial Mixed-Use District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, for the development of any surface parking, plans shall be submitted showing the location and design of the parking area, fencing, lighting and landscaping 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. The following uses shall not be permitted:
            - Amusement enterprise, indoor or outdoor
            - Animal hospital or veterinary clinic
            - Auction room
            - Auditorium/concert hall/theatre/cinema
            - Auto parts and supplies, sales
            - Auto/light truck/motorcycle, repair and service
            - Auto/light truck/motorcycle, sales and rental
            - Bus depot
            - Call centre
            - Car wash
            - Drive-in or drive-through
            - Fuel sales

- Hospital
- Hotel or motel
- Kennel
- Landscape or garden supplies
- Sports or entertainment arena/stadium, indoor;

iii. The following uses shall be deemed conditional uses:
- College or university
- Hostel
- Neighbourhood rehabilitation home
- Place of worship
- Recycling collection centre
- Social service facility
- Studio, radio/TV/motion picture broadcast and production
- Supermarket
- ~~***Surface parking, as a principal use:***~~

~~***iv. That surface parking is allowed as a principal use only from Monday to Friday, from 5:00 AM to 6:30 PM;***~~

v. That the use specific standard limiting galleries/museums to a maximum gross floor area of 10,000 square feet applies;

vi. That the use specific standards limiting medical/dental/optical/counseling clinics, office uses and personal service uses that are not listed in the zoning by-law's principal use table to a maximum gross floor area of 5,000 square feet applies;

vii. That the use specific standard limiting the hours of operation of personal service uses that are not listed in the zoning by-law's principal use table to between 9 a.m. and 9 p.m.;

viii. That the use specific standard limiting restaurants to a maximum gross floor area of 2,500 square feet applies;

ix. That the use specific standard prohibiting restaurants from having drive-in or drive-through facilities applies;

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

xi. That Lots 7 to 11, Plan 33086, be consolidated into one lot in a new plan of subdivision.

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 in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when 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 by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

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

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

1. In over 30 years as a member of Winnipeg City Council, a better or more persuasive presentation on anything has never been heard, and to fail this community would be a travesty.

PUBLIC HEARING SUMMARY

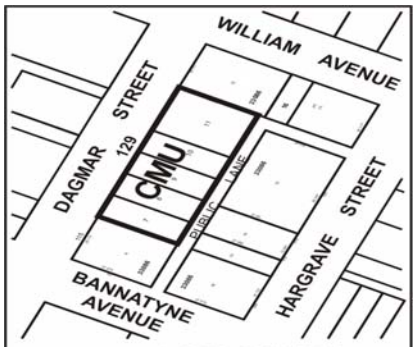
File: DAZ 221/2009 [c/r SPA 3/2009 & DAV 168407/2009D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: July 6, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Sudan Humanitarian Relief Organization (SHRO) Inc. and Sudanese Association of Manitoba Inc. (Binasio Wani)

Subject:



APPLICANT : Sudan Humanitarian Relief Organization Inc. and the Sudanese Association of Manitoba Inc.
FILE : DAZ 221/09
PROPOSAL : To rezone the land shown outlined above from an "RMU" RESIDENTIAL MIXED USE DISTRICT and a PDO-1 West Alexander and Centennial Overlay District to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow the establishment of surface parking as a principal use. **For information, phone Mr. G. Doney, Planner, at 986-2688.**

Premises Affected: 129 Dagmar Street

Exhibits Filed:

1. Application dated February 4, 2010
2. Notification of Public Hearing dated May 21, 2010
3. Manitoba Status of Title(s) 2174738, 2174741, 2174746, 2174748 and 2174752
4. Letter of authorization dated December 22, 2009 from Kuac Madit, President of Sudanese Association of

Manitoba Inc., to Binasio Wani, Sudan Humanitarian Relief Organization
5. Variance Order DAV 355/2001C
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated June 28, 2010
8. Inspection Report
10. Communication dated July 3, 2010, from Fred Curry in opposition to the application
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ezekiel Abetew
Fredrick Abraham
John Amoko
Elizabeth Alok Andrea
Michael Apollo
Mashar Arkangelo
Atileo Aten and Bernard Ucin
Regina Ding
Lino Gorang
Eda Korychynski
Madit Kuet
Helda Lako
Elesio Lasuba
Joseph Lual
Kuac Madit
Pat and Bruno Malis
Athian Malou
Oping Naei
Nataly Nyol
Robert Ohiso
Rev. James Okal
Beda Otwari
David Peng
Daniel Teng
Binasio Wani
Webster Webb
Aken Yel

In Opposition

Catherine Collins, West Alexander Residents Association
Fred Curry
Harold Martinos
Allan Wise

For Information:

Robert Dick, Hargrave Holdings

For the City:

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

Exhibit "7" referred to in File DAZ 221/2009 [c/r SPA 3/2009 & DAV 168407/2009D]

ADMINISTRATIVE REPORT

Title: DAZ 221/2009, 129 Dagmar Street

ISSUE: For consideration at the public hearing of the application to rezone the planned area to allow a non-accessory parking area (surface parking as a principal use).

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council, as per the Development Procedures By-law and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 221/2009 dated June 28, 2010 to "CMU" Commercial Mixed-Use District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

      i. That, for the development of any surface parking, plans shall be submitted showing the location and design of the parking area, fencing, lighting and landscaping 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development;

      ii. The following uses shall not be permitted:
      - Amusement enterprise, indoor or outdoor
      - Animal hospital or veterinary clinic
      - Auction room
      - Auditorium/concert hall/theatre/cinema
      - Auto parts and supplies, sales

- Auto/light truck/motorcycle, repair and service
- Auto/light truck/motorcycle, sales and rental
- Bus depot
- Call centre
- Car wash
- Drive-in or drive-through
- Fuel sales
- Hospital
- Hotel or motel
- Kennel
- Landscape or garden supplies
- Sports or entertainment arena/stadium, indoor;

iii. The following uses shall be deemed conditional uses:
- College or university
- Hostel
- Neighbourhood rehabilitation home
- Place of worship
- Recycling collection centre
- Social service facility
- Studio, radio/TV/motion picture broadcast and production
- Supermarket
- Surface parking, as a principal use;

iv That surface parking is allowed as a principal use only from Monday to Friday, from 5:00 AM to 6:30 PM;

v. That the use specific standard limiting galleries/museums to a maximum gross floor area of 10,000 square feet applies;

vi. That the use specific standards limiting medical/dental/optical/counseling clinics, office uses and personal service uses that are not listed in the zoning by-law's principal use table to a maximum gross floor area of 5,000 square feet applies;

vii. That the use specific standard limiting the hours of operation of personal service uses that are not listed in the zoning by-law's principal use table to between 9 a.m. and 9 p.m.;

viii. That the use specific standard limiting restaurants to a maximum gross floor area of 2,500 square feet applies;

ix. That the use specific standard prohibiting restaurants from having drive-in or drive-through facilities applies;

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

xi. That Lots 7 to 11, Plan 33086, be consolidated into one lot in a new plan of subdivision.

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 in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when 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 by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 planned area is approximately 18,000 square feet and nearly 200 feet wide and is immediately east of Dagmar Street, between William and Bannatyne Avenues.
- The principal use of the planned area is the Sudanese Community Cultural and Resource Centre.
- The letter of intent states that the proposal is to improve the existing parking spaces and rent them out to provide revenue for the Sudanese Community Cultural and Resource Centre so that the centre can provide better services to the community.
- The Planning and Land Use Division recommend approval of the proposed rezoning because:
  - it conforms to *Plan Winnipeg 2020*; and
  - with certain conditions, it conforms to the secondary plan as it is proposed to be amended under File SPA 3/2009 and is compatible with the neighbourhood.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued to allow for a non-accessory parking area as the Planned Area will be rezoned to a commercial district, which allows this land-use; will be removed from the PDO, which prohibits this land-use; and will no longer be affected by the polices of the secondary plan that prohibits this land-use at 129 Dagmar.

HISTORY

On July 16, 2008, Council approved By-law 64/2008, the *West Alexander & Centennial Neighbourhood Plan* as a secondary plan to tie together the important role of the neighbourhood institutions with the values of the neighbourhood health and sustainability.

On January 27, 2010, Council approved By-law No. 105/2009 (File SPA 2/2008) an amendment of the *West Alexander & Centennial Neighbourhood Plan* to facilitate the construction of a medical facility at the former Weston Bakery Site.

On April 28, 2010 Council gave First Reading to By-law 41/2010 regarding the proposed amendment subject of this report with the following:

1. That By-law No. 41/2010, a by-law to amend the *West Alexander and Centennial Neighbourhood* Plan (By-law 64/2008), be amended with the following revisions:

   A. In Section 1, by deleting

      In Chapter 4, "Residential Mixed-Use Policies," Policy 4, the following is added after the words "will not be accommodated":
      "except non-accessory parking lots may be allowed on Lots 7 to 11, Plan 33086."

      and substituting

      In Chapter 2, "Residential Element,", under "Residential Mixed-Use Policies", in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:
      ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086."

   B. In the Legal Services approval, by deleting

      for Acting City Solicitor/Manager of Legal Services

      and substituting

      for Director of Legal Services and City Solicitor

CONSULTATION

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney, Senior Planner
Date: June 28, 2010
File: DAZ 221/2009

Schedules and Attachments

- Attachment 1 – Planning Discussion
- Schedule “A” to the report to the Lord Selkirk West Kildonan Community Committee for File DAZ 221/2009 dated June 28, 2010

Attachment 1 – Planning Discussion

Date: June 28, 2010

File: DAZ 221/2009

Related File: SPA 3/2010

Community: Lord Selkirk – West Kildonan

Neighbourhood: West Alexander, 3.105

Subject: to rezone the planned area from "RMU" Residential Mixed-Use District and "PDO-1" West Alexander and Centennial to "CMU" Commercial Mixed-Use District to allow for the establishment of a non-accessory surface parking use in the planned area

Location: 129 Dagmar Street

Legal Description: Lots 7 to 11, Plan 33086.



Applicant: The Sudan Humanitarian Relief Organization Incorporated and the Sudanese Association of Manitoba Incorporated
129 Dagmar Street, Winnipeg, MB, R3A 0Z3

Owner: as above

Recommendation: Approval with conditions

Summary

- The planned area is approximately 18,000 square feet and nearly 200 feet wide and is immediately east of Dagmar Street, between William and Bannatyne Avenues.

- The principal use of the planned area is the Sudanese Community Cultural and Resource Centre.
- The letter of intent states that the proposal is to improve the existing parking spaces and rent them out to provide revenue for the Sudanese Community Cultural and Resource Centre so that the centre can provide better services to the community.
- The Planning and Land Use Division recommend approval of the proposed rezoning because:
    - it conforms to *Plan Winnipeg 2020*; and
    - with certain conditions, it conforms to the secondary plan as it is proposed to be amended under File SPA 3/2009 and is compatible with the neighbourhood.

The Planned Area (The Site)

The planned area is on the east side of Dagmar Street, between William and Bannatyne Avenues. It is approximately 18,000 square feet and nearly 200 feet wide. It consists of Lots 7 to 11 of Plan 33086. Each lot is a separate parcel.

The principal use of the planned area is the Sudanese Community Cultural and Resource Centre. The letter of intent, which was submitted as part of the application that is the subject of this report, states:

> The mission of the Sudanese Community Cultural and Resource Centre is to facilitate the integration of Sudanese immigrants into the Canadian Society by providing community-based job training/career guidance; student tutorial, social-economic resources, safety and crime prevention programs…

As is shown in Figure 1 of this attachment, unpaved accessory surface parking covers more than half the planned area and the building in the planned area is near the northern limit of said area. This surface parking area is underutilized. Figure 2 of this attachment shows that the planned area is in a Residential Mixed Use District of Zoning By-law 200/2006. As shown in Figure 3 of this attachment, the planned area is in a Residential Mixed Use policy area of the secondary plan. In addition, it is in a Medium Density Residential Area of the "PDO-1" West Alexander and Centennial Planned Development Overlay District. Surface parking as a principal use is prohibited in the Medium Density Residential Area of the West Alexander and Centennial Planned Development Overlay District.

Figure 1 also shows that the planned area is:

- adjacent to a private club, not licensed, that has no on-site parking and is to be converted into an office use;
- adjacent to a non-accessory surface parking area; and
- near other non-accessory surface parking areas, a light manufacturing use, City Archives and office uses.

Figure 2 also shows that the planned area is:

- adjacent to a Commercial Mixed Use District of By-law 200/2006;
- near another Commercial Mixed Use District and a Light Manufacturing District of By-law 200/2006; and
- near Character Sectors of the Downtown Zoning By-law (100/2004).

Figure 3 also shows that the planned area is adjacent to a Commercial Mixed Use policy area and a Character Commercial policy area of the secondary plan.

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

The Proposed Development

The letter of intent states that the proposal is to improve the existing parking spaces and rent them out to provide revenue for the Sudanese Community Cultural and Resource Centre so that the centre can provide better services to the community. The letter states that: there are 58 parking spaces; 50 would be available to rent Monday to Friday, from 6:00 AM to 5:30 PM; and these spaces are to be available for events at The Centre. However, the site plan that was submitted as part of the application that is the subject of this report, shows that only 40 parking spaces are proposed, which is more accurate, given the zoning by-law requirements and the dimensions of the surface parking area.

In order to allow the use of non-accessory surface parking area, Monday to Friday, from 6:00 AM to 5:30 PM, the secondary plan and the zoning by-law must be amended.

Analysis

Plan Winnipeg 2020 Vision

The proposed development conforms to *Plan Winnipeg 2020 Vision*, particularly Policy 3A-01, "Promote Orderly Development," which states that the Neighbourhood designation signifies "areas of local identity with mutually supportive uses generally including a residential mix together with a variety of… institutional, commercial… uses, at a scale and density compatible with each other."

The Secondary Plan

If the secondary plan is amended as recommended in the report regarding Application SPA 3/2009, the proposed development would conform to said plan.

Zoning

- **RMU Commercial Mixed Use District** is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain

limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development.
    - The area, site, or building should retain a predominantly residential character.

- **CMU Commercial Mixed Use District** is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations.

The planned area must be rezoned because surface parking is not allowed as a principal use in the "RMU" District or in the Residential Mixed Use area of the West Alexander and Centennial Planned Development Overlay District.

With a zoning agreement restricting the uses, the "CMU" District would be similar to the "RMU" District, with one of the exceptions being that surface parking, as a principal use, would be a conditional use. This would ensure that any proposed surface parking in the planned area can be evaluated in terms of the secondary plan.

It is of note that Zoning By-law 200/2006 has development and design standards that are to ensure that land is developed or redeveloped to a reasonable minimum standard. The most relevant sections are 167 to 169, 172, 188 to 193 and 199 to 204.

DAV09-168407/D - the applicant filed a variance to allow for a gravel parking area instead of hard surface. The *West Alexander & Centennial Neighbourhood Plan* under Chapter 6, Policy 6, prohibits gravel surface parking lots. This policy was determined to affect the Planned Area after the Variance application was accepted and the Secondary Plan Amendment advertised for non-accessory parking only. Should the applicant wish a gravel parking area, the site would need to re-advertise the public hearing for this item. It should be noted the Division does not support gravel surface parking lots anywhere in the City of Winnipeg and would not support this amendment to the Secondary Plan or the variance.

Compatibility with the Neighbourhood

The proposed development would be at a scale and intensity that is compatible with its vicinity because:

- at approximately 40 non-accessory parking spaces, the surface parking area would not be out of scale with the neighbourhood;
- the surface parking area would have to be paved for it to conform to the secondary plan and the zoning by-law;
- the non-accessory use of the surface parking area would be only Monday to Friday, from 6:00 AM to 5:30 PM.

Site Design

As previously stated, Zoning By-law 200/2006 has development and design standards that are to ensure that land is developed or redeveloped to a reasonable minimum standard.

Recommendations

The Planning and Land Use Division recommend approval of the proposed rezoning because:

- it conforms to *Plan Winnipeg 2020*; and
- with certain conditions, it conforms to the secondary plan as it is proposed to be amended under File SPA 3/2009 and with the neighbourhood.

To ensure that the surface parking area is redeveloped to a reasonably high standard, consistent with the zoning by-law and the secondary plan the Division recommends that a condition of approval be:

- that, for the development of any surface parking, plans must be approved by the Director of the Planning, Property and Development Department and that said development must be in accordance with the approved plans.

Tto ensure that the rezoning does not permit the establishment of uses that are inconsistent with the secondary plan (as it is proposed to be amended under File SPA 3/2009) or that may result in significant land use conflicts, the Division recommends that conditions of approval be:

- that certain uses are not permitted and certain others are conditional uses;
- that certain uses specific standards of the zoning by-law are applicable, even though they would otherwise not apply in the “CMU” District; and
- that certain sign types are not allowed.

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

Report Prepared by: J. Glen Doney

PPD File DAZ 221/2009

Figure 1 of Attachment 1: Existing Land Use, 2009 aerial photography

June 2010

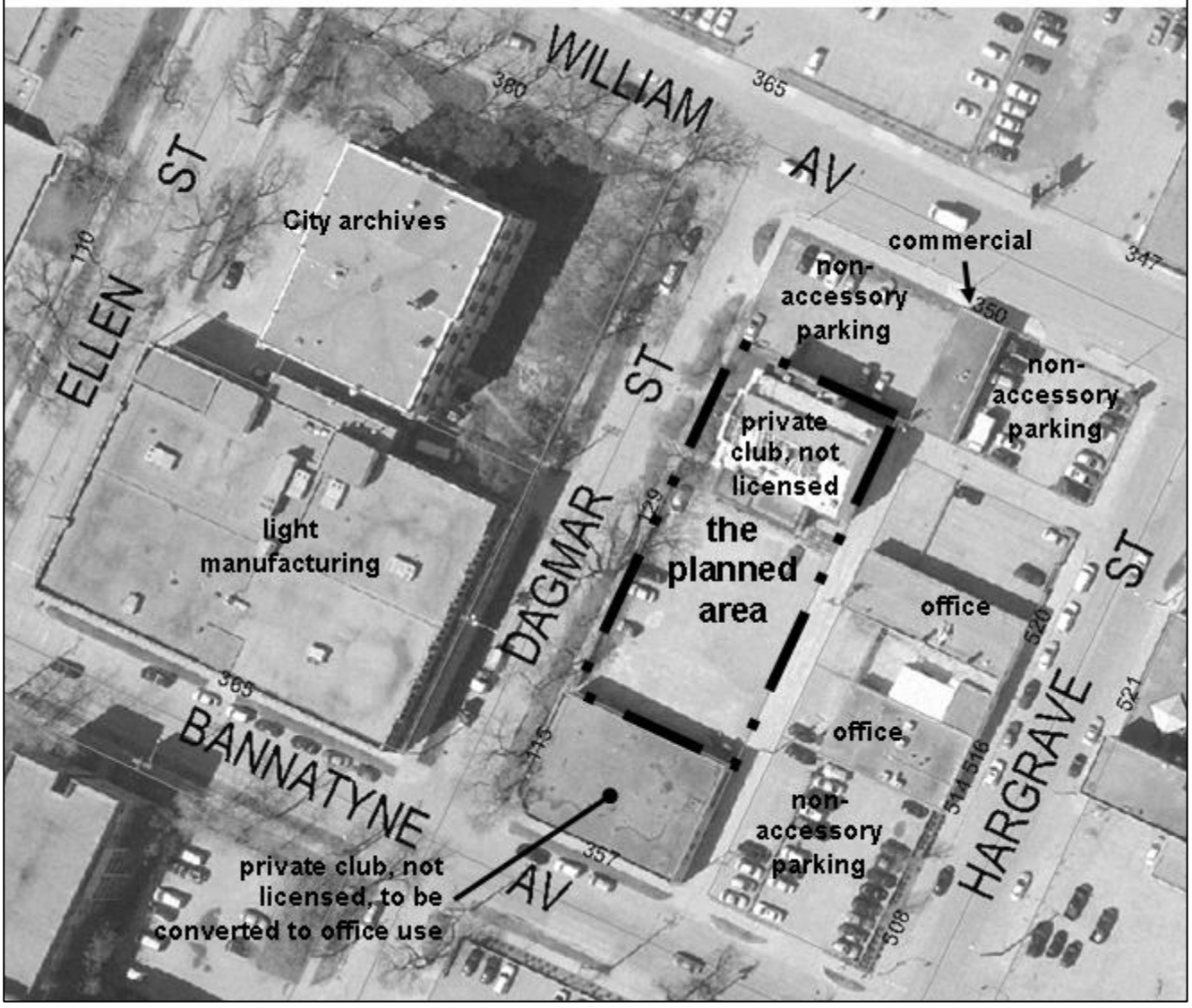


Figure 2 of Attachment 1: Existing Policy Areas of the Secondary Plan

June 2010

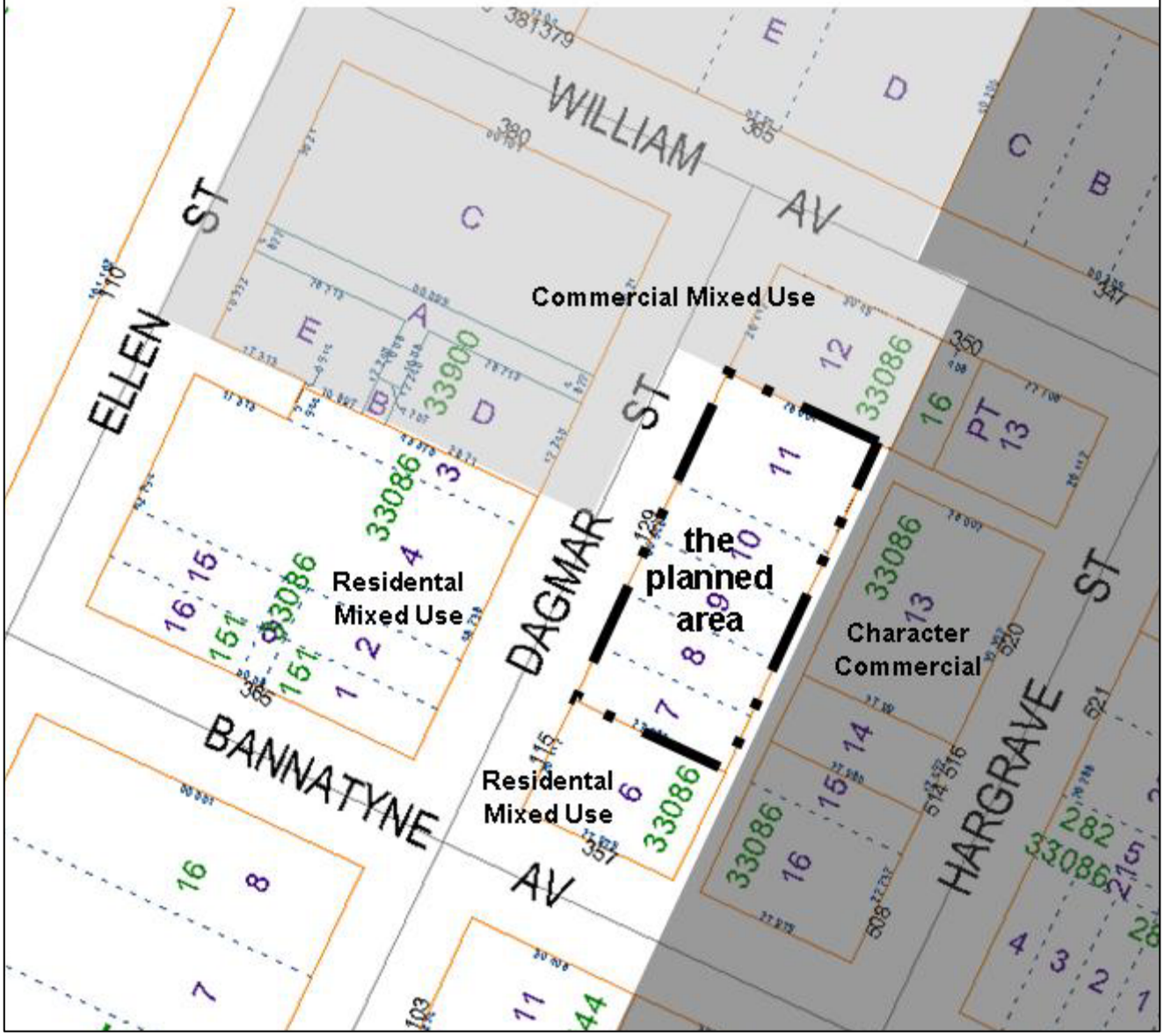
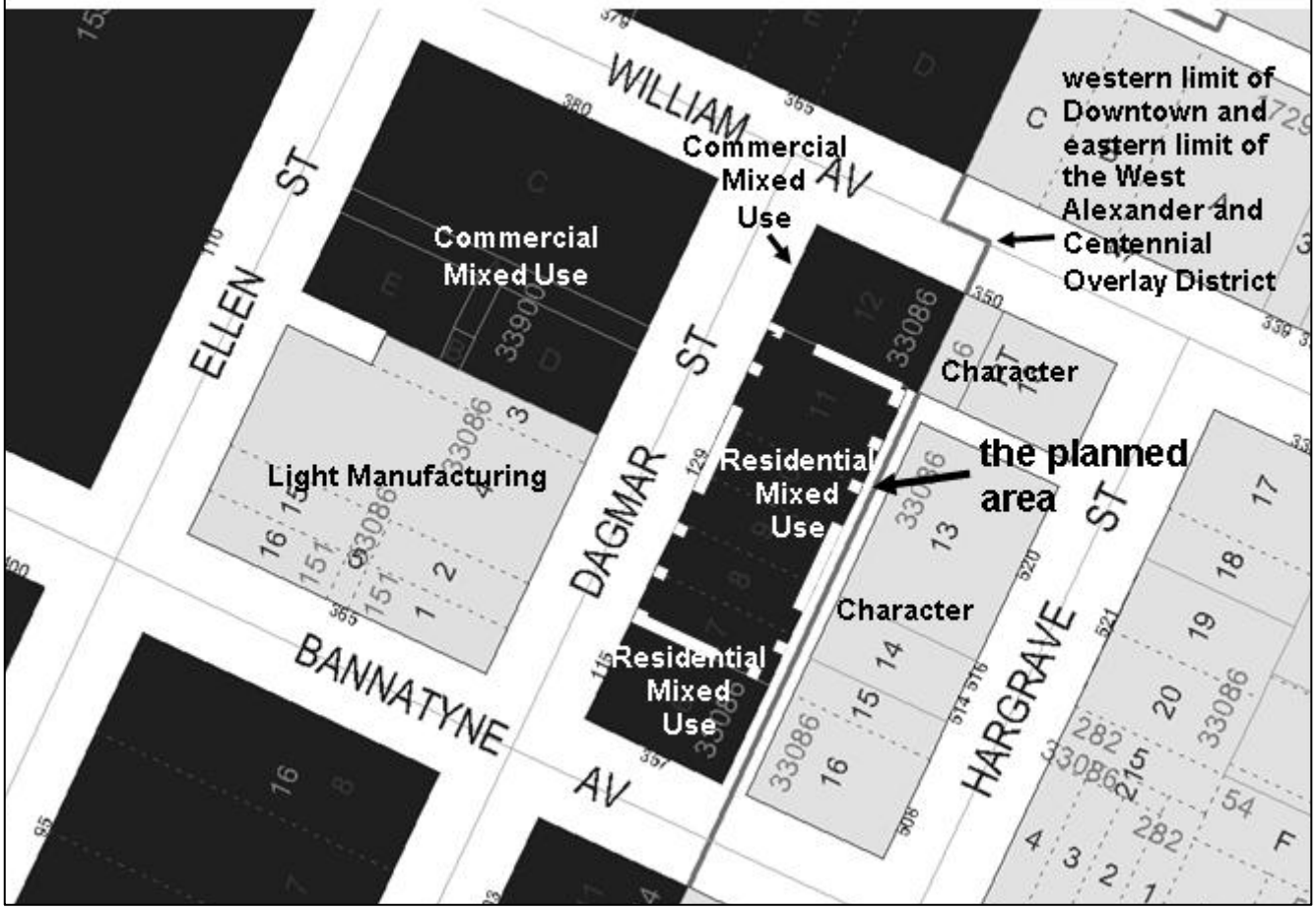


Figure 3 of Attachment 1: Existing Zoning, By-laws 200/2006 and 100/2004

June 2010



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DAZ 221/2009, dated June 28, 2010

By-Law No. _____

File No. **DAZ 221/09**

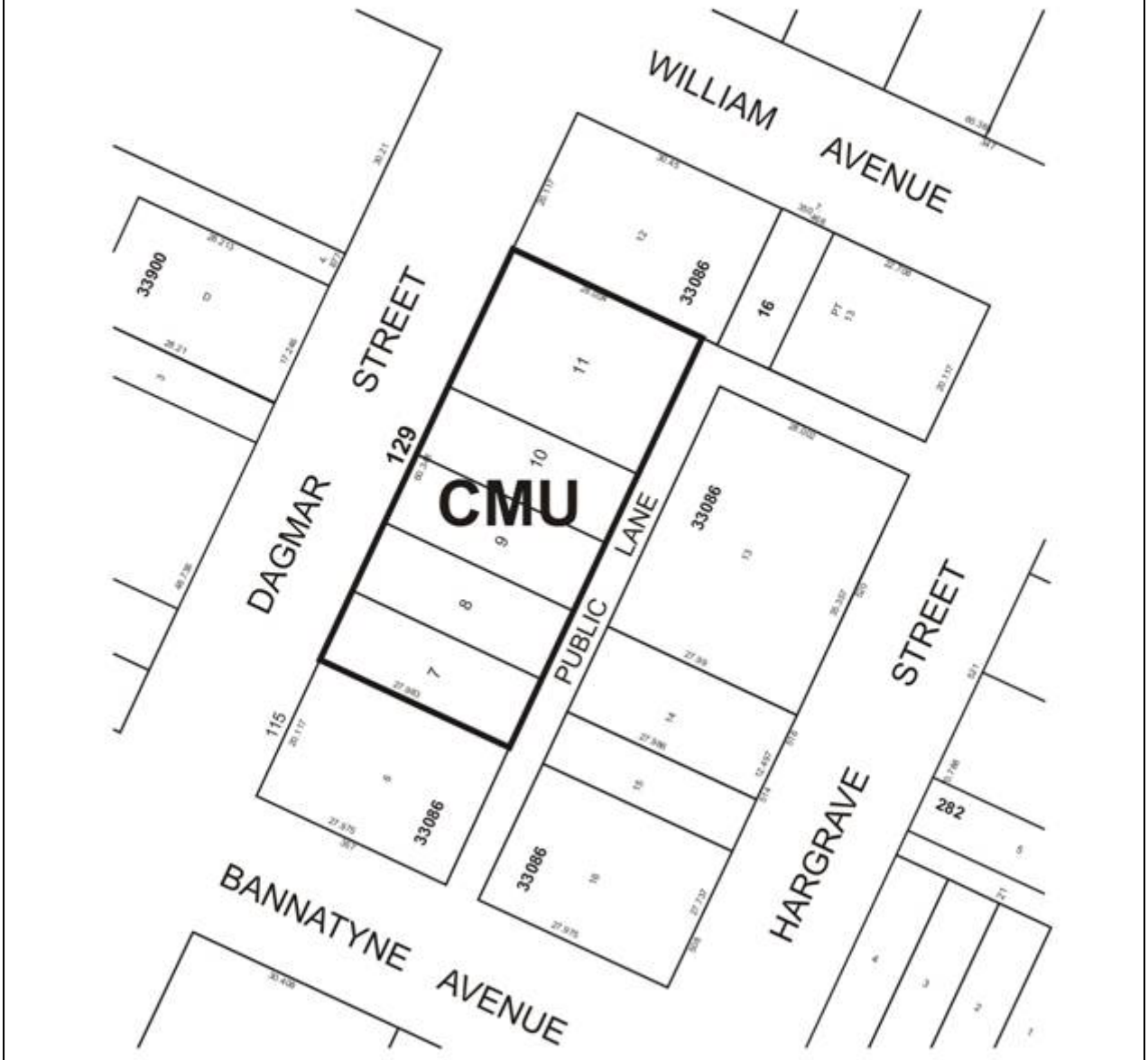
Atlas Sheet No. **Z24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 129 Dagmar Street from an "RMU" RESIDENTIAL MIXED USE DISTRICT and a PDO-1 West Alexander and Centennial Overlay District to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow the establishment of surface parking as a principal use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____