Agenda - Council – December 15, 2010

Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 15 Subdivision and Rezoning – 765 Keewatin Street (785 Keewatin Street) - DASZ 32/2010 [c/r DAV 162621/2010D] (Point Douglas Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of survey proposed under File DASZ 32/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 32/2010 dated November 23, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning proposed Lot 1 of Schedule "C" with amendments and revisions contained therein for File DASZ 32/2010 dated November 23, 2010 to a "C3" Commercial Community District 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage, plans, showing the location and design of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

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ii. That, for proposed Lot 1 of Schedule "C" the following uses shall be deemed conditional uses:

a. assisted living facility
b. community/recreation centre
c. social service facility
d. college or university
e. commercial school
f. place of worship
g. amusement enterprise, indoor
h. auditorium/concert hall/theatre/cinema
i. studio, radio/tv/motion picture broadcast and production
j. hostel
k. hotel or motel
l. kennel
m. drinking establishment
n. landscape or garden supplies
o. supermarket
p. auto/light truck/motorcycle, repair and service
q. auto/light truck/motorcycle, sales and rental
r. auto parts and supplies, sales
s. drive-in or drive-through
t. fuel sales
u. parking, structured
v. contractor's establishment
w. recycling collection centre.

iii. That, for proposed Lot 1 of Schedule "C" the following uses shall not be permitted:

a. call entre
b. auction room
c. car wash
d. fleet services
e. landscape / garden contractor or production
f. private club, not licensed greater than 10,000 square feet
g. restaurant greater than 5,000 square feet.

Report - Standing Policy Committee on Property and Development – December 6, 2010

iv. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on proposed Lot 1 of Schedule "C", except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

v. That there shall not be any private approach to the planned area from Dorset Street.

vi. That illuminated signage on proposed Lot 1 of Schedule "C" shall not face the easterly limit of said lot, directly (perpendicular to said easterly limit) or at an angle.

vii. The Developer shall grant to the City an easement on Lot 1 for the pedestrian path connecting Dorset Street to the Sir William Stephenson Library lands, and shall pay all associated surveying costs;

viii. The specific location and configuration of the Lot 1 Dorset Street path and associated easement will be determined by the Director of Planning, Property, & Development and the Director of Public Works in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, (connecting the west side of Dorset Street and the east side of Lot 2), Universal Design standards, and minimizing the impact on private property;

ix. The Developer shall, prior to the issuance of an occupancy permit for the proposed building on Lot 1, complete the construction of the proposed section of the Dorset Street to Sir William Stephenson Library, as determined by, and to the satisfaction of, the Director of Planning, Property and Development and the Director of Public Works;

x. The Developer shall indicate, in all applicable site plans, the intended construction of the future Dorset Street to Sir William Stephenson Library path within the designated easement;

xi. If the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed Dorset Street to Sir William Stephenson Library path and the requirement that the path is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement;

Report - Standing Policy Committee on Property and Development – December 6, 2010

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

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

5. That in the event the 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 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.

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 twelve (12) months after adoption of the by-law, 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.

11. 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 – December 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations 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 December 6, 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 November 23, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend Recommendation No. 1 by deleting the words “Schedule “A” and substituting the words “Schedule “C”, and deleting the words “November 16, 2010” and substituting the words “November 23, 2010”.

- Amend Recommendation No. 2 by deleting the words “Schedule “A” and substituting the words “Schedule “C”, and deleting the words “November 16, 2010 to a “C2” Commercial Community District” and substituting the words “November 23, 2010 to a “C3” Commercial Community District”.

- Amend Recommendation 2.A.ii. by deleting the words “Schedule “A” and substituting the words “Schedule “C”.

- Add new Recommendation 2.A.iii.:
  “iii. That, for proposed Lot 1 of Schedule “C” the following uses shall not be permitted:
    a. call entre
    b. auction room
    c. car wash
    d. fleet services
    e. landscape / garden contractor or production

Report - Standing Policy Committee on Property and Development – December 6, 2010

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

f. private club, not licensed greater than 10,000 square feet
g. restaurant greater than 5,000 square feet.

- Renumber balance of recommendations accordingly.

- Amend Renumbered Recommendations 2.A.iv. and 2.A.vi. by deleting the words "Schedule "A" and substituting the words "Schedule "C"

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

RE: **Subdivision and Rezoning – 765 Keewatin Street**
(785 Keewatin Street)
File DASZ 32/2010 [c/r DAV 162621/2010D]

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: **November 25, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 23, 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 survey proposed under File DASZ 32/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Schedule "C"*** for File DASZ 32/2010 dated ***November 23, 2010*** with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning proposed Lot 1 of ***Schedule "C"*** with amendments and revisions contained therein for File DASZ 32/2010 dated ***November 23, 2010*** to a ***"C3"*** Commercial Community District 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage, plans, showing the location and design of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That, for proposed Lot 1 of ***Schedule "C"***, the following uses shall be deemed conditional uses:

a. assisted living facility
b. community/recreation centre
c. social service facility
d. college or university
e. commercial school
f. place of worship
g. amusement enterprise, indoor
h. auditorium/concert hall/theatre/cinema
i. studio, radio/tv/motion picture broadcast and production
j. hostel
k. hotel or motel
l. kennel
m. drinking establishment
n. landscape or garden supplies
o. supermarket
p. auto/light truck/motorcycle, repair and service
q. auto/light truck/motorcycle, sales and rental
r. auto parts and supplies, sales
s. drive-in or drive-through
t. fuel sales
u. parking, structured
v. contractor's establishment
w. recycling collection centre

iii. ***That, for proposed Lot 1 of Schedule "C" the following uses shall not be permitted:***

a. ***call entre***
b. ***auction room***
c. ***car wash***
d. ***fleet services***
e. ***landscape / garden contractor or production***
f. ***private club, not licensed greater than 10,000 square feet***
g. ***restaurant greater than 5,000 square feet.***

iv. ~~***iii.***~~ That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on proposed Lot 1 of ***Schedule "C"***, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

v. ~~***iv.***~~ That there shall not be any private approach to the planned area from Dorset Street.

vi. ~~***v.***~~ That illuminated signage on proposed Lot 1 of ***Schedule "C"*** shall not face the easterly limit of said lot, directly (perpendicular to said easterly limit) or at an angle.

vii. ~~***vi.***~~ The Developer shall grant to the City an easement on Lot 1 for the pedestrian path connecting Dorset Street to the Sir William Stephenson Library lands, and shall pay all associated surveying costs;

viii. ~~***vii.***~~ The specific location and configuration of the Lot 1 Dorset Street path and associated easement will be determined by the Director of Planning, Property, & Development and the Director of Public Works in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, (connecting the west side of Dorset Street and the east side of Lot 2), Universal Design standards, and minimizing the impact on private property;

ix. ~~***viii.***~~ The Developer shall, prior to the issuance of an occupancy permit for the proposed building on Lot 1, complete the construction of the proposed section of the Dorset Street to Sir William Stephenson Library, as determined by, and to the satisfaction of, the Director of Planning, Property and Development and the Director of Public Works;

x. ~~***ix.***~~ The Developer shall indicate, in all applicable site plans, the intended construction of the future Dorset Street to Sir William Stephenson Library path within the designated easement;

xi. ~~***x.***~~ If the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed Dorset Street to Sir William Stephenson Library path and the requirement that the path is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement;

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 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 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.

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 twelve (12) months after adoption of the by-law, 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.

11. 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 reasons for its recommendation:

1. The developer has satisfied the requirements of the client and undertook community consultation resulting in a modification of the plan to satisfy the resident concerns.

2. The proposal is a good addition to the community.

PUBLIC HEARING SUMMARY

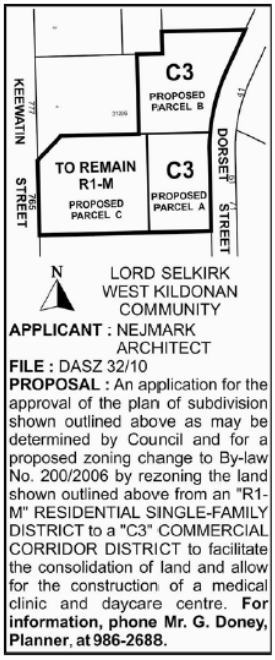
File: DASZ 32/2010 [c/r DAV 162621/2010D]

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

Public Hearing: November 23, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Nejmark Architect (Tat-Liang Cheam)

Subject:



Premises Affected: 765 Keewatin Street (785 Keewatin Street)

Exhibits Filed:

1. Application dated October 8, 2010
2. Notification of Public Hearing dated November 1, 2010

3a. Manitoba Status of Titles 1514856 and 1514857
3b. Title Search 1979107

4a. Letter of authorization dated October 4, 2010 from 2514141 Manitoba Limited to Nejmark Architect Inc.
4b. Letter of authorization dated October 5, 2010 from The City of Winnipeg to 2514141 Manitoba Limited

5. Caveats 1868933, 1868934 and 2100326
6. Plans (2 pages)
7. Misc Plan No. 12971
8. Plans by Nejmark Architect (3 pages)
9. Report from the Planning and Land Use Division dated November 16, 2010
10. Inspection Report
11. Communication dated November 18, 2010 and Petition in opposition to motor vehicle access from Dorset Street to the subject premises, purporting to contain the signatures of 176 area residents, submitted by Jolene Amy, Office Manager, Willow Park Housing Co-op
12. Schedule "C" submitted by the Senior Planner, Planning, Property and Development Department
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Dave Black
Tat-Liang Cheam
Robert Downs
Richard Marshall
Marcel Sabourin
Craig Waterman

In Opposition:

Nil

For Information:

Jolene Amy
Cathy Halek

For the City:

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

Exhibit "9" referred to in File DASZ 32/2010 [c/r DAV 162621/2010D]

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 32/10, 765 Keewatin Street, west of Dorset Street

Issue: Subdivision to create three parcels by a Plan of Survey from three lots and to rezone one of the proposed parcels from "R1-M" Residential Single-Family [medium lot size] District to "C3" Commercial Corridor District

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if recommendation differs from the report of the Public Service) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of survey proposed under File DASZ 32/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2010 dated November 16, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning proposed Lot 1 of Schedule "A" with amendments and revisions contained therein for File DASZ 32/2010 dated November 16, 2010 to a "C2" Commercial Community District 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage, plans, showing the location and design of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping

and signage, must 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 the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for proposed Lot 1 of Schedule "A", the following uses shall be deemed conditional uses:
   a. assisted living facility
   b. community/recreation centre
   c. social service facility
   d. college or university
   e. commercial school
   f. place of worship
   g. amusement enterprise, indoor
   h. auditorium/concert hall/theatre/cinema
   i. studio, radio/tv/motion picture broadcast and production
   j. hostel
   k. hotel or motel
   l. kennel
   m. drinking establishment
   n. landscape or garden supplies
   o. supermarket
   p. auto/light truck/motorcycle, repair and service
   q. auto/light truck/motorcycle, sales and rental
   r. auto parts and supplies, sales
   s. drive-in or drive-through
   t. fuel sales
   u. parking, structured
   v. contractor's establishment
   w. recycling collection centre

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on proposed Lot 1 of Schedule "A", except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

iv. That there shall not be any private approach to the planned area from Dorset Street.

v. That illuminated signage on proposed Lot 1 of Schedule "A" shall not face the easterly limit of said lot, directly (perpendicular to said easterly limit) or at an angle.

vi. The Developer shall grant to the City an easement on Lot 1 for the pedestrian path connecting Dorset Street to the Sir William Stephenson Library lands, and shall pay all associated surveying costs;

vii. The specific location and configuration of the Lot 1 Dorset Street path and associated easement will be determined by the Director of Planning,

Property, & Development and the Director of Public Works in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, (connecting the west side of Dorset Street and the east side of Lot 2), Universal Design standards, and minimizing the impact on private property;

viii. The Developer shall, prior to the issuance of an occupancy permit for the proposed building on Lot 1, complete the construction of the proposed section of the Dorset Street to Sir William Stephenson Library, as determined by, and to the satisfaction of, the Director of Planning, Property and Development and the Director of Public Works;

ix. The Developer shall indicate, in all applicable site plans, the intended construction of the future Dorset Street to Sir William Stephenson Library path within the designated easement;

x. If the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed Dorset Street to Sir William Stephenson Library path and the requirement that the path is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement;

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 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 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.

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 twelve (12) months after adoption of the by-law, 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.

11. 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

This report is for consideration of the application for approval of a Plan of Survey and rezoning to allow the establishment of a medical clinic and day care centre.

The Winnipeg Public Service recommends approval of the application, with modifications, because it generally conforms to Plan Winnipeg.

A variance application must also be approved for the proposed development to proceed/

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are implemented, the proposed development would have to be modified before a development permit can be issued.

HISTORY

In 1994, Council approved the subdivision and rezoning application under File DASZ 3/1994, which rezoned the portion of the planned area that is north of the parcel in which a library is located and lands to the north and west to a commercial zoning district. To address the concerns of residents living east of the lands to be rezoned, a condition of approval was that a zoning agreement, that prohibits motor-vehicle access to the site from Dorset Street, be entered into. The rezoning and subsequent development took place and the zoning agreement was registered as a caveat on the aforementioned portion of the planned area, which is Lots 7 and 8, Plan 31266, and on other lands.

CONSULTATION

Consultation with the Water and Waste and Public Works Departments indicated a servicing agreement need not be entered into with the developer.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: November 16, 2010
File No. DASZ 32/2010

Attachments and Schedules

1. Attachment 1 – Planning Discussion
2. Schedule “A”
3. Schedule “B”

ATTACHMENT 1 – PLANNING DISCUSSION

DATE	November 16, 2010
FILE	DASZ 32/2010
RELATED FILE	DAV 10-145768D
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #	3.317
SUBJECT	proposed plan of survey and rezoning to create three parcels, where one would remain in a "C3" Commercial District, another would remain in an "R1-M" Residential Single-Family [medium lot size] District and the third parcel would be rezoned to "C3" Commercial
LOCATION	765 Keewatin Street and parcel immediately north and abutting Dorset Street
LEGAL DESCRIPTION:	LOT 1 PLAN 42072 39/40 ST J OTM LOTS 7 & 8 PLAN 31266
APPLICANT:	Tat-Liang Cheam Nejmark Architect Inc. 54 ADELAIDE ST UNIT 2 WINNIPEG MB R3A 0V7
OWNERS:	THE CITY OF WINNIPEG C/O PLANNING PROPERTY & DEVELOPMENT SERV 65 GARRY ST WINNIPEG MB R3C 4K4 25141 MANITOBA LIMITED C/O BOB DOWNS
RECOMMENDATION:	Approval with Condition(s)

REPORT SUMMARY

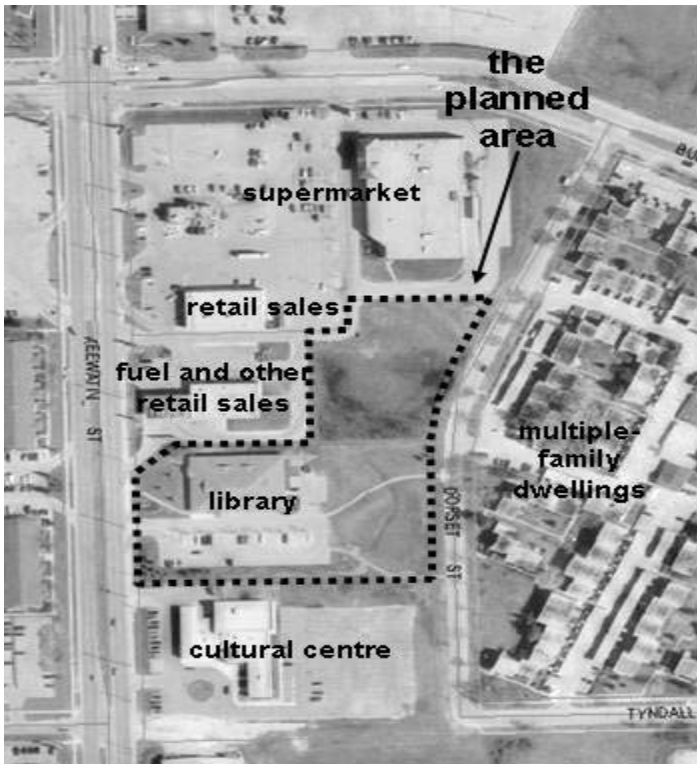
- The planned area (the site): is in the Burrows-Keewatin Neighbourhood and the Point Douglas Ward; is immediately west of Dorset Street and immediately north of 737 Keewatin Street; and is approximately 3.7 acres.
- The proposed plan of survey and rezoning are recommended for approval with the modifications that a plan of subdivision is created instead and that it, and the proposed rezoning, conform to Schedule "A" of this report so that the plan is clearer and the rezoning is more compatible with the neighobourhood.
- The recommended conditions: that a zoning agreement requiring plan approval by the Director, restricting signage and prohibiting motor-vehicle access to the planned area from Dorset Street; and that land be allocated for a public path and that said path be constructed by the developer; are to ensure the proposed development is quite compatible with the neighbourhood.

THE PLANNED AREA (THE SITE)

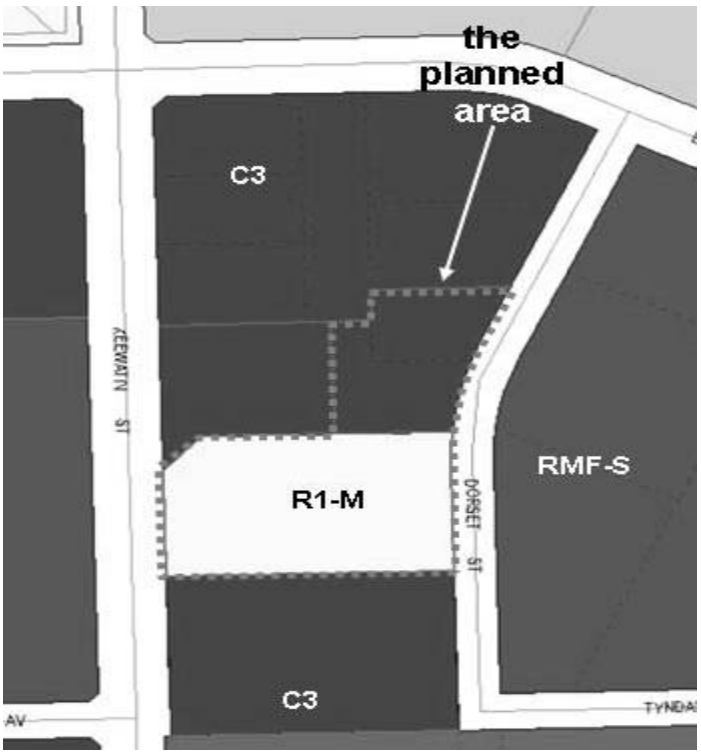
The planned area (the site) is:

- in the Burrows-Keewatin Neighbourhood and the Point Douglas Ward;
- immediately west of Dorset Street and immediately north of 737 Keewatin Street; and
- approximatey 3.7 acres.

The image to the right identifies existing land uses on 2009 aerial photography. It shows that the planned area: includes a library with a large east yard and undeveloped land; is near the uses of supermarket, retail sales, fuel (gas for motor-vehicles) and other retail sales, cultural centre and, east of Dorset Street, multiple-family dwelling. It also shows that two paths (not for motor-vehicles) connect the library to Dorset street.



The image below-right identifies existing zoning. It shows that the planned area: is partly in a "C3" District and partly in an "R1-M" District; and is near an "RMF-S" Residential Multiple-Family [smaller scale] District.

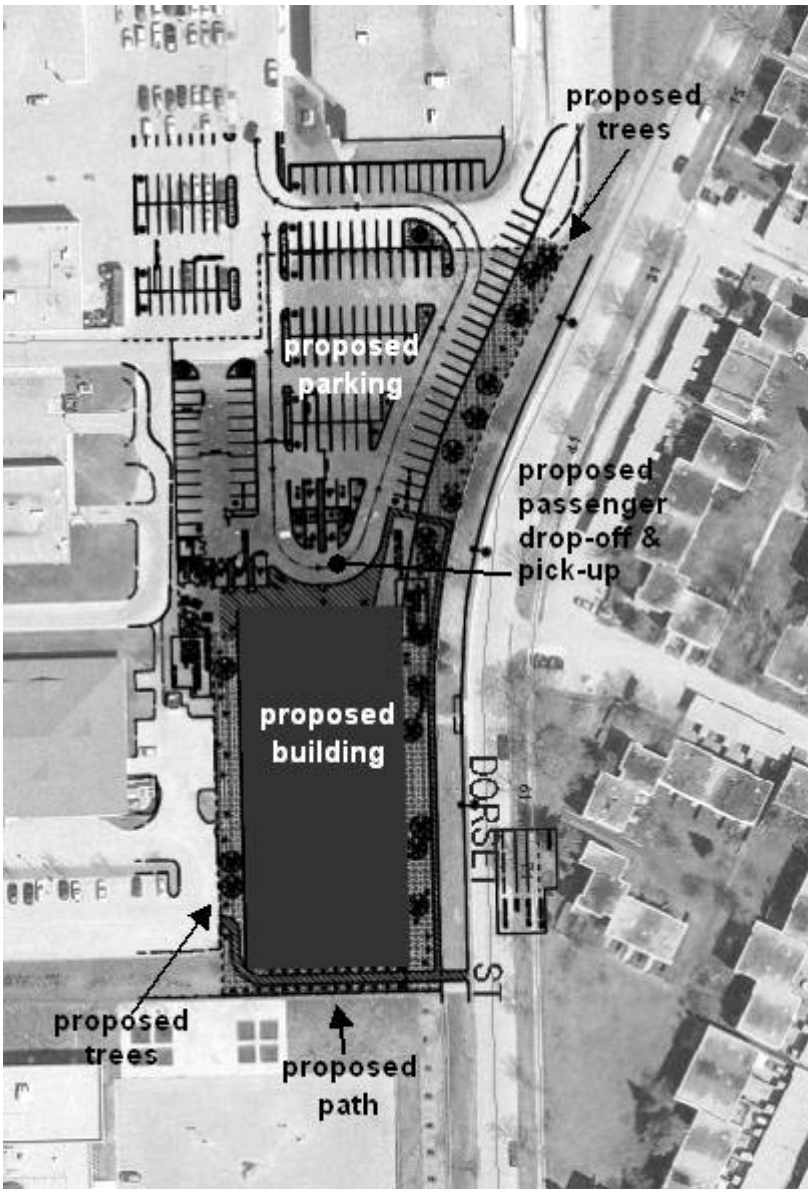


THE PROPOSED DEVELOPMENT

The proposal is to develop the planned area with a medical clinic and daycare, with 158 parking spaces north of the proposed building. Motor-vehicle access would be from Keewatin Street, across properties that are west of the planned area. A public path (no motor-vehicles) would be south and west of the proposed building and would connect Dorset Street to the proposed parcel that would encompass the library. The image on the following page is a site plan of the proposed development on 2009 aerial photography. This design was submitted

November 17. It replaces the design that was originally submitted with the development applications required for this proposal.

For this development to proceed, the parcel encompassing the library must be subdivided, a portion of the planned area must be rezoned from "R1-M" District to a zoning district that accommodates the proposed uses (which is the subject of this report and proposed as per Schedule "B") and variances may be required in a subsequent application.



ANALYSIS AND ISSUES

Plan Winnipeg Compliance

Policy 3A-01, Promote Orderly Development, of Plan Winnipeg states that the Neighbourhood designation signifies areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.

The proposed development complies with Plan Winnipeg, and Policy 3A-01 in particular, because it would be supportive of nearby residential uses, at a scale that is compatible with the residential uses and would not have private approaches from Dorset Street.

Compatibility with the Neighbourhood

As stated above, the proposed development would be compatible with the area.

Zoning By-law 200/2006

As shown in the principal use table of the zoning by-law, the "C3" District allows uses that may not be compatible with residential uses, such as "landscape/garden contractor or production" or

"mini-warehouse, self-storage." The table also shows that the "C2" Commercial Community District accommodates the proposed uses in the same way as the "C3" District, but restricts uses in a manner that is more compatible with residential uses than the "C3" District. In addition, rezoning proposed Lot 1 of Schedule "A" (the site of the proposed development) to "C2" should include making permitted uses that may not be compatible with residential uses, such as "commercial school," "place of worship" and "amusement enterprise, indoor", conditional.

Site Design

The proposed development should be modified:

- so that users of the path could see around the south corners of the building better in order to enhance a sense of safety from crime; and
- so that the path has a second connection to the library site, coincident with an easterly projection of the south exterior wall of the library in order to reduce the distance from the north end of the path, across the library's parking lot, to the library entrance in order to enhance safety from vehicles.

A sense of safety from crime can also be enhanced if people inside the proposed building can see path users and vice-versa.

REASONS FOR THE RECOMMENDATIONS

The proposed plan of survey and rezoning are recommended for approval with the modifications that a plan of subdivision is created instead and that it, and the proposed rezoning, conform to Schedule "A" of this report because the proposed plan of subdivision would be clearer and the propose rezoning would be more compatible with the neighbourhood than what is proposed.

The recommended conditions:

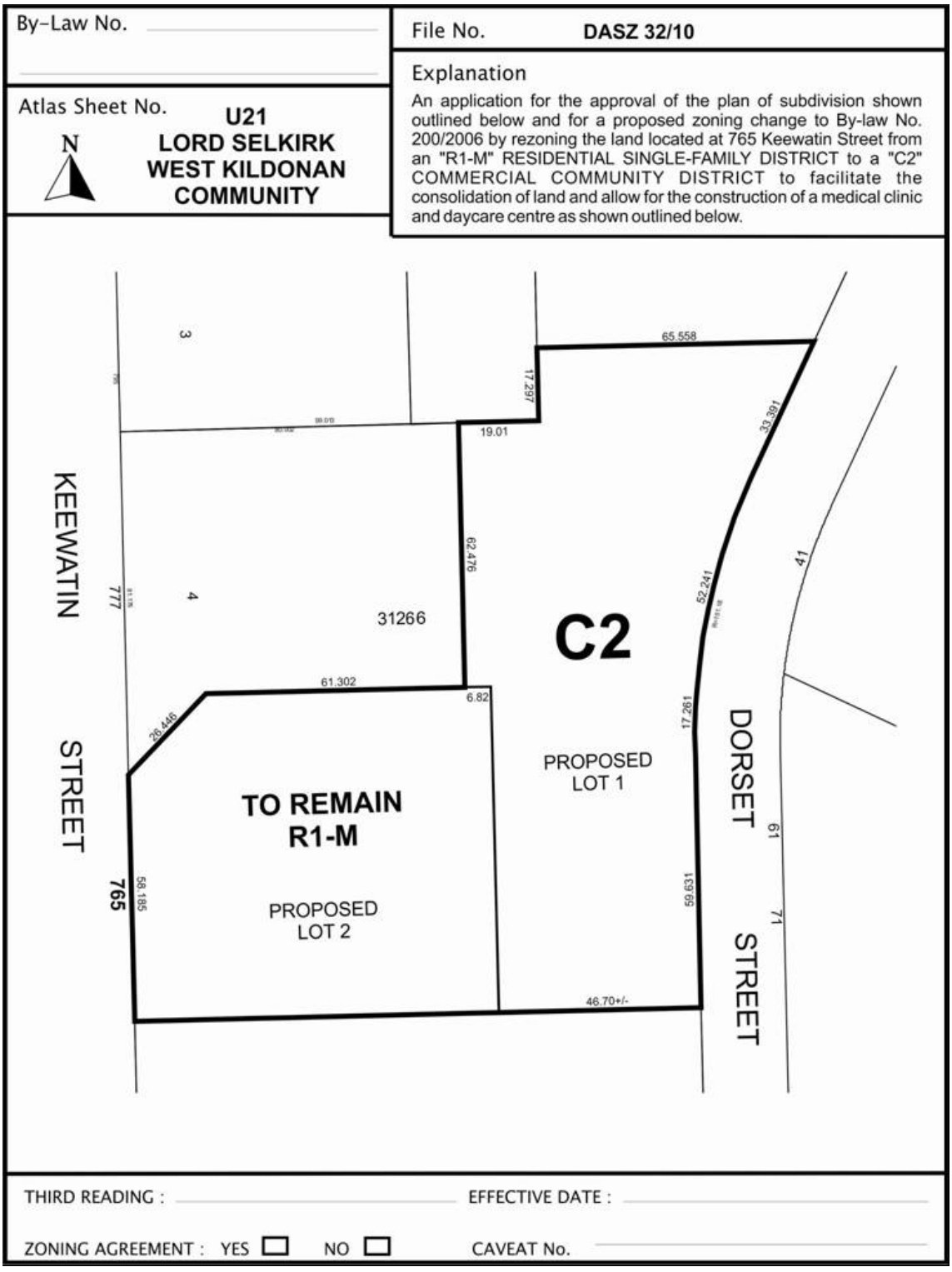
- that a zoning agreement requiring plan approval by the Director, restricting signage and prohibiting motor-vehicle access to the planned area from Dorset Street; and
- that land be allocated for a public path and that said path be constructed by the developer;

are to ensure the proposed development is quite compatible with the neighbourhood.

It is expected that the site design issues described earlier in this attachment will be addressed through the plan approval process.

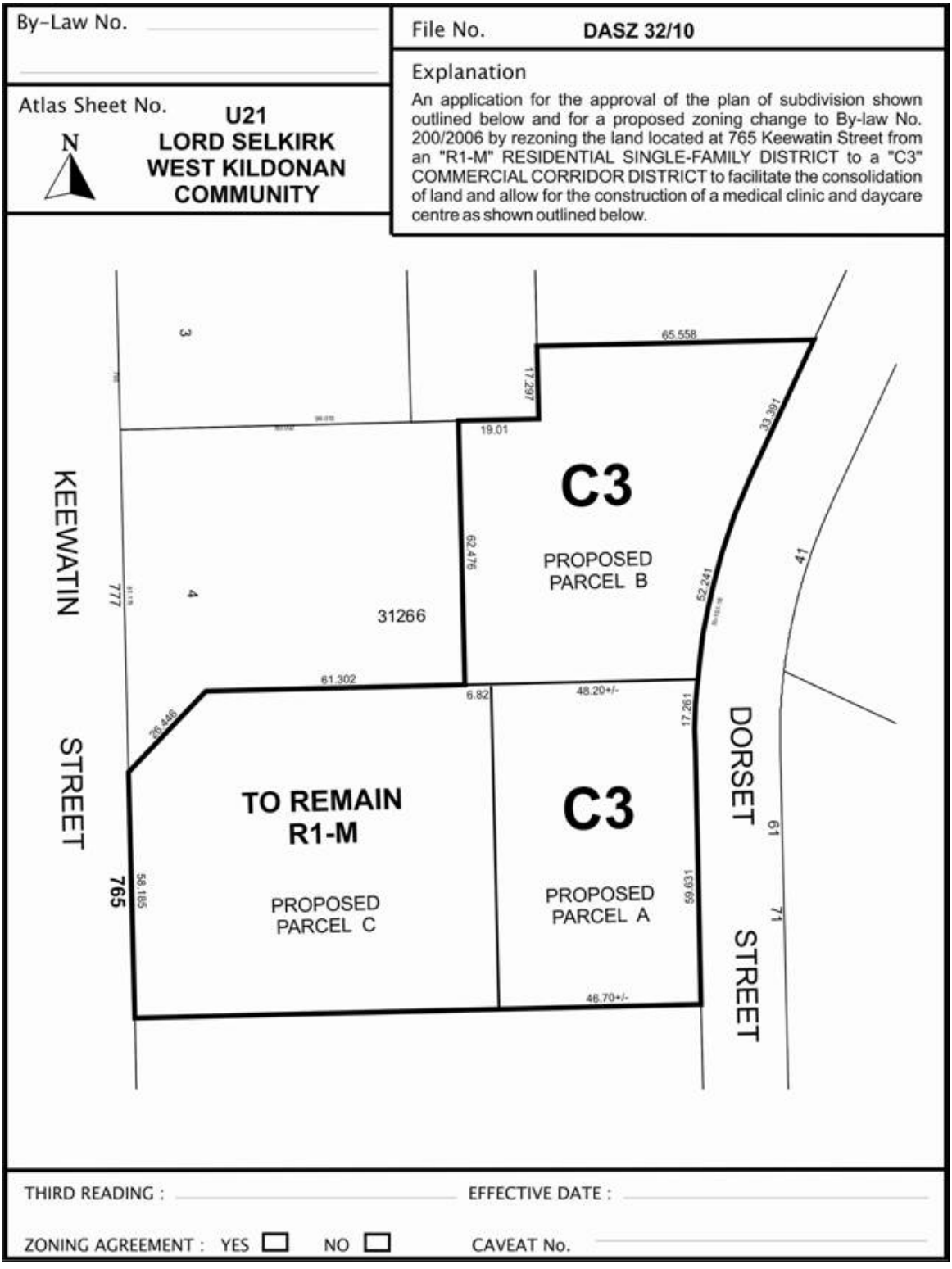
This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 32/2010

Schedule "A"



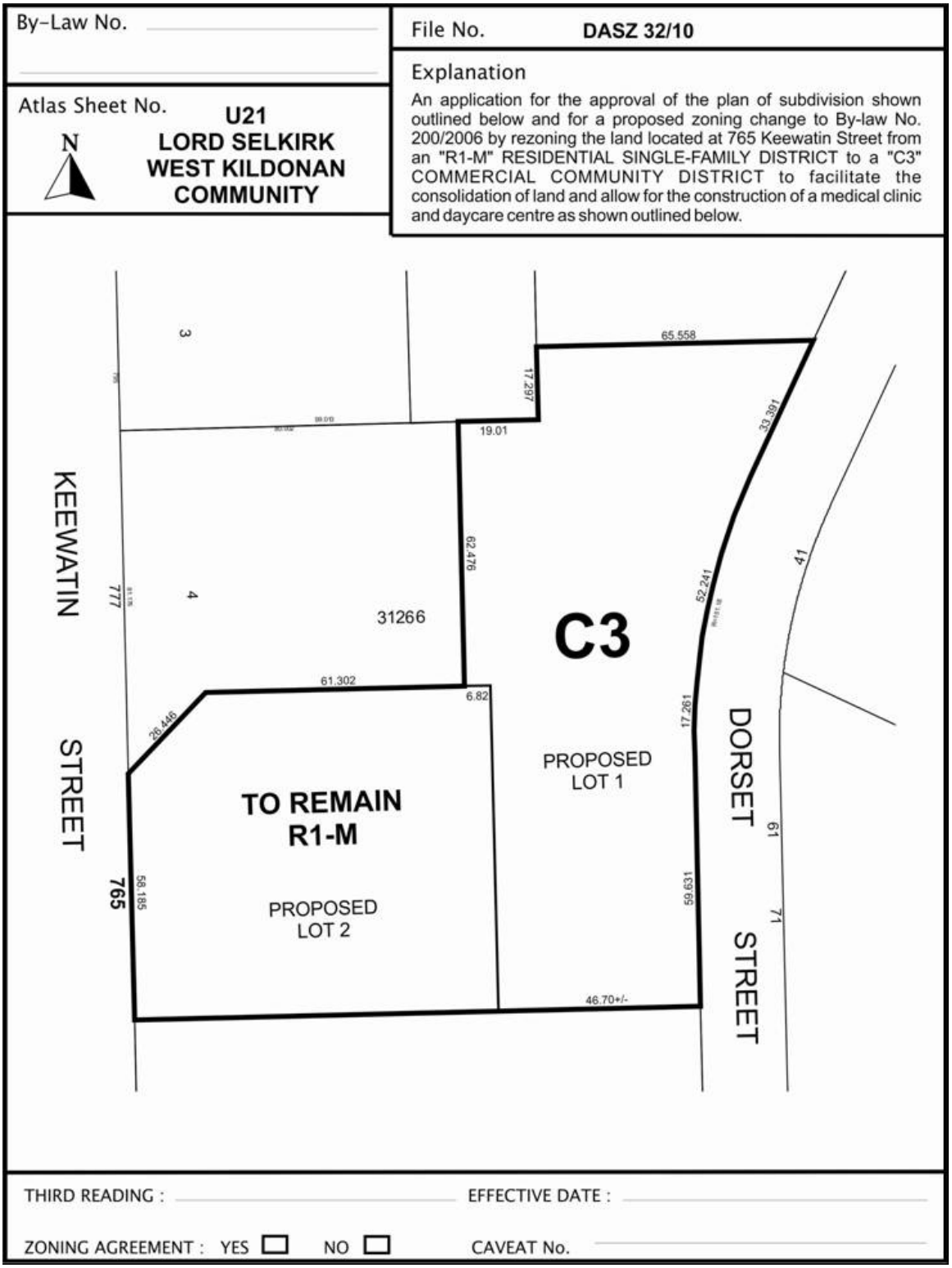
Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 32/2010, dated November 16, 2010

Schedule "B"



Schedule "B" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 32/2010, dated November 16, 2010

Schedule "C"



Schedule "C" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 32/2010, dated November 23, 2010