Agenda - Council – January 26, 2011

Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 6 Rezoning – 851-867 Panet Road – DAZ 221/2010 (Elmwood-East Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2010 dated December 1, 2010, to E1 Educational and Institutional District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010, with the following amendments, namely:

        i. Amend Condition 8. by deleting the words "$1,200.00 per acre of Planned Area (minimum $1,650.00)" and replacing them with "$1,650.00 total""

    B. 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, plans, showing the locations and designs of buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for 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.

Report - Standing Policy Committee on Property and Development – January 11, 2011

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

iii. That no habitable dwellings be within 15 metres (49.2 feet) from the CNR Keewatin Subdivision;

iv. That a berm be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees;

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

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

vii. 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;

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

Report - Standing Policy Committee on Property and Development – January 11, 2011

ix. That copies of the current Master Plan be provided to the Chief of Winnipeg Fire Paramedic Service prior to the issuance of any new occupancy permit and/or upon the request of the Chief of Winnipeg Fire Paramedic Service;

x. 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;

xi. 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;

xii. 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;

xiii. 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;

xiv. 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;

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

Report - Standing Policy Committee on Property and Development – January 11, 2011

3. 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.

4. 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.

5. 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.

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

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

Report - Standing Policy Committee on Property and Development – January 11, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 11, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments, namely:

- Delete Recommendation 1.A.i. in its entirety and renumber the remaining recommendation accordingly,

- Amend Recommendation 1.A.ii. (new Recommendation 1.A.i.) by deleting the words "(new Condition 6.)"

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

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Amend Recommendation 1.A. by adding the following after "November 24, 2010"

  ", with the following amendments, namely:

  i. Delete Conditions 1. and 2. in their entirety and renumber the remaining Conditions accordingly.

  ii. Amend Condition 8. (new Condition 6.) by deleting the words "$1,200.00 per acre of Planned Area (minimum $1,650.00)" and replacing them with "$1,650.00 total""

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

RE: **Rezoning – 851-867 Panet Road**
File DAZ 221/2010

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **December 6, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2010, the East Kildonan-Transcona 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2010 dated December 1, 2010, to E1 Educational and Institutional District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010***, with the following amendments, namely:***

        i. Delete Conditions 1. and 2. in their entirety and renumber the remaining Conditions accordingly.

        ii. Amend Condition 8. (new Condition 6.) by deleting the words "$1,200.00 per acre of Planned Area (minimum $1,650.00)" and replacing them with "$1,650.00 total""

    B. 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, plans, showing the locations and designs of buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

iii. That no habitable dwellings be within 15 metres (49.2 feet) from the CNR Keewatin Subdivision;

iv. That a berm be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees;

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

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

vii. 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;

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

ix. 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;

x. 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;

xi. 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;

xii. 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;

xiii. 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;

xiv. 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;

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

3. 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.

4. 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.

5. 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.

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

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

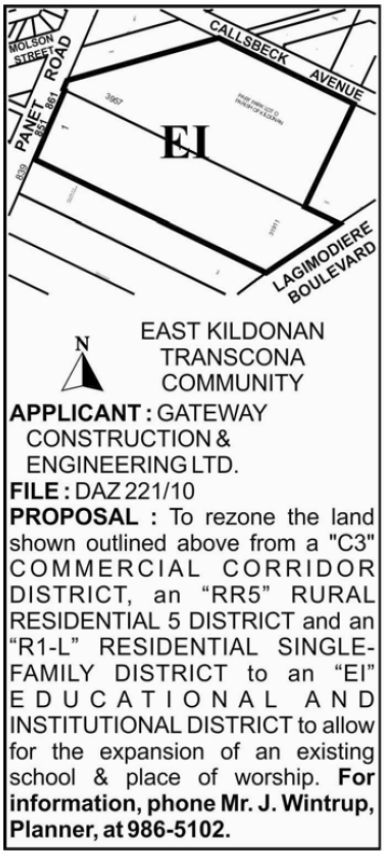
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. This is a good expansion in the Community and does not have any negative impact on the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 221/2010
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	December 7, 2010 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East
Applicant:	Gateway Construction and Engineering Ltd. (Carson Rist)
Subject:	



Premises Affected:	851 – 867 Panet Road

Exhibits Filed:

1. Application dated October 7, 2010
2. Notification of Public Hearing dated October 18, 2010
3. Manitoba Status of Titles 1384273 and 1827762
4. Letter of authorization dated September 8, 2010 from Gateway Christian Community Inc. to Gateway Construction
5. Surveyor's Building Location Certificates and sketches dated June 22, 2001, and November 19, 2002
6. Plans (4 pages)
7. Caveat No. 2135759
8. Report from the Planning and Land Use Division dated December 1, 2010
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Carson Rist

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 221/2010

ADMINISTRATIVE REPORT

Title: DAZ 221/2010 – 851 Panet Road

Issue: For consideration at the Public Hearing for a rezoning to allow the construction of a Private School and expansion of a place of worship.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee Council

AUTHORIZATION

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

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2010 dated December 1, 2010, to E1 Educational and Institutional District subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010.

   B. 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, accessory parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, plans, showing the locations and designs of buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for 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.

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iii. That no habitable dwellings be within 15 metres (49.2 feet) from the CNR Keewatin Subdivision;

iv. That a berm be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees;

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

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

vii. 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;

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

ix. 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;

x. 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;

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xiv. 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;

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

3. 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.

4. 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.

5. 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.

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

7. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The subject property is 6.8 acres located on the east side of Ferrier Street between Beecher and the Bergen Cutoff and the CPR rail line right-of-way in the Templeton - Sinclair neighbourhood of the Old Kildonan ward.
- The Land Owner intends to construct a 42, 991 square feet private school with 75 parking stalls for staff and the general public.
- A full range of municipal services will be extended into the planned area along Ferrier

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a private school will be allowed for construction on the lands.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*December 1, 2010*
File No.	*DAZ 221/10*

List of Schedules and Attachments

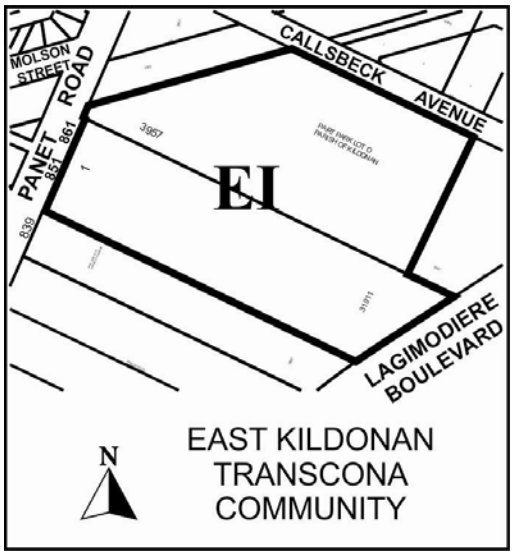
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 221/2010
3. Schedule B – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: December 1, 2010
FILE: DAZ 221/10
RELATED FILES: DAV 1030/87; DAV 432/90; DAV 206/91; DAV 661/95C
COMMUNITY: Kildonan Crossing
NEIGHBOURHOOD #: 4.429

SUBJECT: Rezoning to allow the construction of a Private School and expansion of a place of worship.

LOCATION: 851 Panet Road



APPLICANT: Gateway Construction & Engineering Ltd.
434 Archibald Street
WINNIPEG MB

OWNER: Gateway Christian Community Inc.

RECOMMENDATION: Approval

REPORT SUMMARY

- The subject properties are 13 acres located on the east side of Panet backing onto Lagimodiere Blvd between Munroe and Callsbeck Avenues / the CPR rail line right-of-way in the Kildonan Crossing neighbourhood of the Elmwood – East Kildonan ward.
- The Land Owner intends to construct a 42, 991 square feet private school with 75 parking stalls for staff and the general public.

SURROUNDING LAND USES AND ZONING

- The subject properties are 13 acres located on the east side of Panet between Munroe Ave and Callsbeck Ave / the CPR rail line right-of-way in the Kildonan Crossing neighbourhood of the Elmwood – East Kildonan ward.
- The two lots are zoned **C3 Commercial Corridor District (6.1 acres) / RR 5 Rural Residential District and R1-L Residential Single-Family District – Large (6.9 acres).**
- A single family dwelling, Gateway Christian Community Church - Place of Worship, and King's School – Private, occupy the most southerly lot, which is zoned C3; the most northerly lot is vacant and zoned RR 5/ R1-L.
- Adjacent properties are lands zoned 'C3' to the south that is a single family dwelling and River East Menno Gemeinde – Place of Worship; to the east is a single family dwelling zoned RR 5 Rural Residential District / R1-L Residential Single-Family District – Large**,** and Lagimodiere Blvd.
- Surrounding properties include to the immediate west across Panet, lands zoned **RMF- S Residential Multi-Family District - Small**; and to the north across Callsbeck Avenue, Callsbeck Fellowship Chapel - Places of Worship zoned R1-L and a used car lot zoned 'C3'.

BACKGROUND

- The school use was established on the site under DAV 1030/87.
- Temporary classroom buildings were constructed in two phases under DAV 432/90 and DAV 206/91.
- A condition of order DAV 190/92C, which permitted the construction of a large addition to the school, was that the temporary classrooms be removed by July 31st, 1995.
- A subsequent application, under DAV 661/95C allowed for the temporary classrooms to be maintained until July 31, 2000.
- Under DAV 455/01C, the applicants were allowed an expansion of the existing school by constructing a second floor addition totaling approximately 4,500 square feet.
- The proposed addition was located on the south side of the existing building and provides three (3) additional classrooms and a 2,000 square foot open area.
- The applicants are also asked to repeal the condition of DAV 661/95C requiring the removal of the temporary classrooms.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The Developer intends to expand the private school and church by approximately 60,000 square feet with the future possible development of a multi-family housing on the lands adjacent to Callsbeck.

ANALYSIS AND ISSUES

ZONING (BY-LAW 200/2006)

- **C3 Commercial Corridor District** is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic.
    - These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.
    - C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.

- There is a minimum rear yard of 25 feet.
- The maximum building height is 49 feet.

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
  - Side yards of 25 feet are required.
  - Front yard requirements are 100 feet;
  - Rear yards are 25 feet.
  - Maximum building height is 35 feet.
  - Agricultural cultivation is a permitted use:, Stable or riding academy, Landscape/garden contractor or production, and Apiary are 'conditional' uses.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 square feet are required.
  - Side yards of 4 feet are required.
  - Front yard requirements are 15 feet;
  - rear yard requirements are 25 feet.
  - Maximum building height is 35 feet.

- **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.

MUNICIPAL SERVICES
The Developer will be required to transfer to the City and legally open property required for a 1.830-m widening to the Panet Road right-of-way along the most northerly 10.674 m of the Planned Area abutting Panet Road, as determined by, and to the satisfaction of, the Director of Public Works.

There is a full range of municipal services: though there are open ditches in front of the subject property, the site is serviced by a Land Drainage piped that drains into the regional stormwater facility located north of Callsbeck Ave; and a Waste Water pipe that is direct southwards.

The Developer will be required to pay on demand, its share of the cost of a 4.0-m-wide, 200-mm-thick portland cement concrete lane of pavement and all related works to be installed in Panet Road along the most northerly 10.674-m of the subject property abutting Panet Road.

SITE PLAN
CPR Branch Line
That a right-of-way, within which is a CPR branch rail, is adjacent to the planned area is a significant concern in terms of safety, noise and vibration.

Proximity Guidelines and Best Practices is a 2006 research report prepared for The Railway Association of Canada and The Federation of Canadian Municipalities.

This research report recommends "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.

The report recommends for:

- buildings be setback 15 metres (49.2 feet) from a branch line right-of-way (which is the type of rail line alongside the planned area);
- a berm to be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees; and
- a 1.38-metre (4.5 feet) high chain link fence at the edge of the right-of-way and a three-metre high acoustical fence on the top of the berm; and

SITE DESIGN ISSUES

- Preliminary site plans have been submitted that are conceptual in nature, illustrating how the Planned Area may develop with buildings, parking areas, and internal roads: details regarding landscaping, lighting, pathways, etc. have not been provided.
- The developer, as a condition of approval, will be required to provide a master site plan for the Planned Area for approval by the Director of Planning, Property and Development and the Community Committee.
- The objective of the Site Plan Review and Guidelines in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the potential impacts are sufficiently mitigated
- The Division notes that pedestrian and bicycle lockup facilities are not provided in the site plan; and there are no pedestrian connections on the subject lands to the bus stop immediately in-front of the building on the east side of Panet.
- The following design guidelines will be used by the Division in the review of the site plan for large institutional facilities, and are based upon sound land use planning principles and best practices to support multi-modal transportation:

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

to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
        - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.

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

LAND DEDICATION

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

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:

- Rezoning the land from 'C3' will ensure that noxious, commercial users will no longer have the right to establish in close proximity to nearby residential dwellings and the school.

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

The Division is recommending that less-than-compatible uses such as a jail or detention centre, sports or entertainment arena or stadium, bus depot, transit station be prohibited from the subject land. The Division is also recommending that advertising signs, mobile signs, poster signs and A-frame signs be prohibited from the subject land as there are residential dwellings in close proximity to the west.

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

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DAZ 221/10

Schedule “A” for File No. DAZ 221/2010, East Kildonan – Transcona Community Committee, dated December 1, 2010.

By-Law No. _____

File No. **DAZ 221/10**

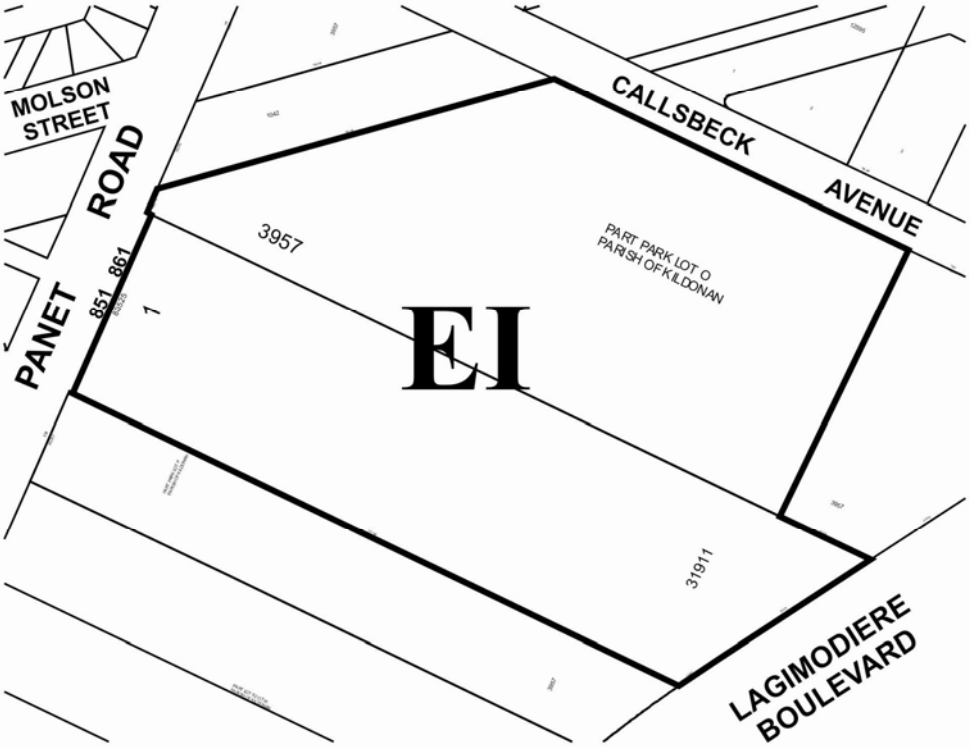
Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 851-867 Panet Road from a "C3" COMMERCIAL CORRIDOR DISTRICT, an “RR5” RURAL RESIDENTIAL 5 DISTRICT and an “R1-L” RESIDENTIAL SINGLE-FAMILY DISTRICT to an “EI” EDUCATIONAL AND INSTITUTIONAL DISTRICT to allow for the expansion of an existing school & place of worship as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 24, 2010

RE: PROPOSED REZONING OF LAND ON THE EAST SIDE OF PANET ROAD, SOUTH OF CALLSBECK AVENUE – 851/861 PANET ROAD - DAZ 221/10

It is recommended that the approval of DAZ 221/10 be subject to the following:

1. Plan Consideration

The Applicant transferring to the City and legally opening property required for a 1.830-m widening to the Panet Road right-of-way along the most northerly 10.674 m of the Planned Area abutting Panet Road, as determined by, and to the satisfaction of, the Director of Public Works.

2. Servicing Agreement

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

1. The Developer shall pay its share of the regional stormwater management facilities (2010 Rate = $20,611.00/acre) for the most northerly lot.

2. The Developer shall pay to the City, on demand, its share of the cost of a 4.0-m-wide, 200-mm-thick portland cement concrete lane of pavement and all related works to be installed in Panet Road along the most northerly 10.674-m of the subject property abutting Panet Road, as determined by the Director of Public Works.

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

4. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Keewatin Subdivision, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CPR Keewatin Subdivision, requiring the owner to maintain

and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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

6. The Developer shall, at no expense to the City:
    a) ensure that construction traffic uses access routes determined by the Director of Public Works;
    b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
    c) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area;

   until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

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

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
November 24, 2010
File No. DAZ 221/10

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

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

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department
/sm

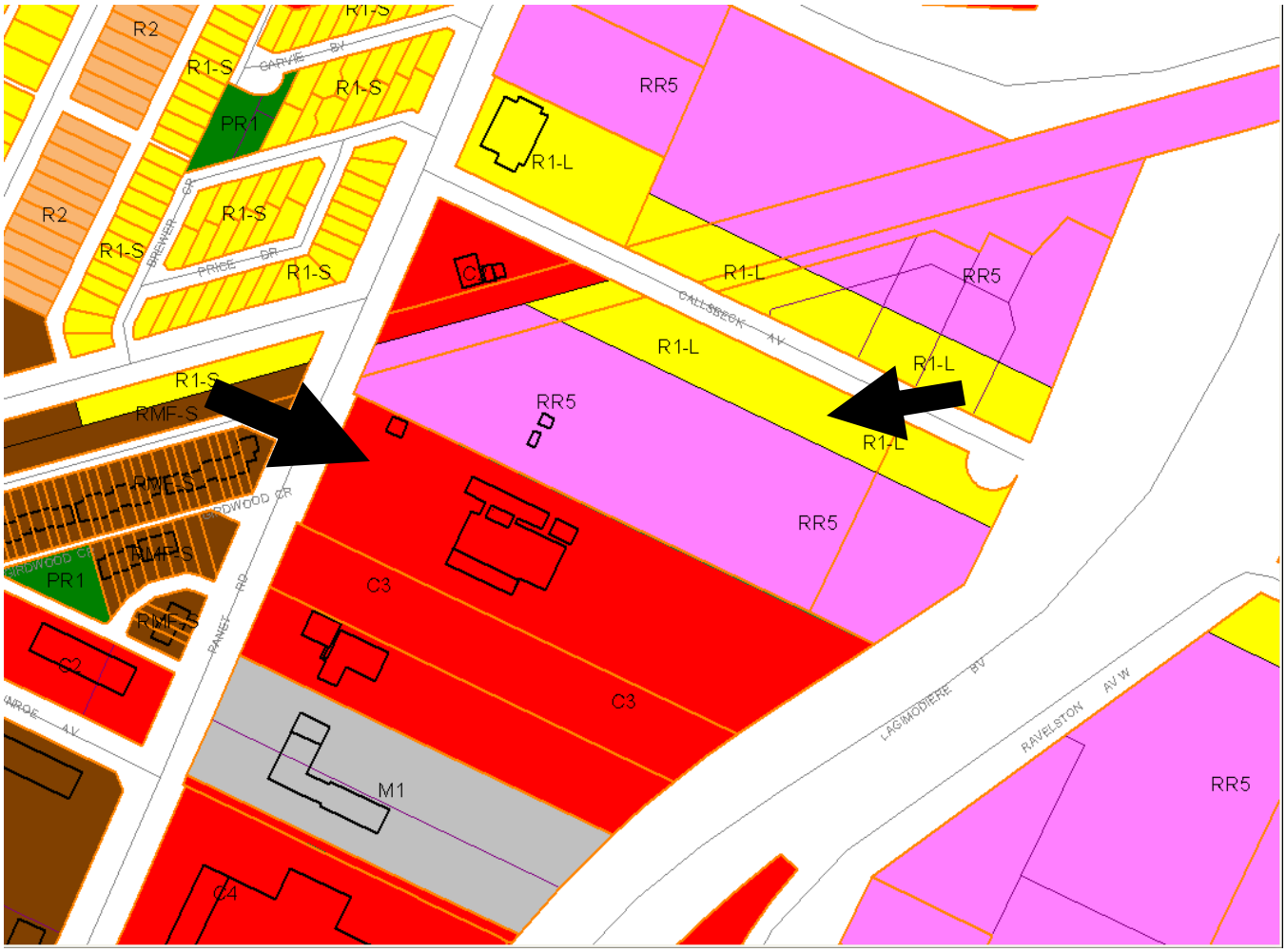


Figure 1: Existing Zoning for subject property and Surrounding Area.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.