Minutes – Executive Policy Committee – January 19, 2011

Minute No. 114
Report – Standing Policy Committee on Property and Development – January 11, 2011

Item No. 8 Subdivision and Rezoning – Southeast Corner of Main Street and Ridgecrest Avenue – DASZ 22/2010 (Old Kildonan Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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, as amended, and submits the following to Council:

1. That the plan of survey proposed under File DASZ 22/2010 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2010 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office 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 "C", the Report of the Administrative Coordinating Group dated December 3, 2010, with the following amendments to Section B. Servicing Agreement, namely:

        i. Delete Condition 3 in its entirety and replace with the following condition: "3. Payment for the balance of the site, being the remaining R1-E lands or RR5 lands as appropriate, for the cost of those items identified in 1.and 2. above, and for land drainage charges, shall be made prior to the release of subdivision mylars for registration in Manitoba Land Titles."

        ii. Delete Condition 8 in its entirety, and renumber the balance of the conditions accordingly.

    B. That the Developer transfer Parcels E and K free and clear of all encumbrances, save for standard utility caveats, to the City at no cost, for the widening of Main Street.

    C. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening over Parcels E and K.

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

D. That the Developer transfer Parcels C, H and N free and clear of all encumbrances, save for standard utility caveats, to the City at no cost for the future extension of Scotia Street.

E. That the Developer consolidate Parcels A, F and L into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;

F. That the Developer consolidate Parcels B, G and M into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;

G. That the Developer consolidate Parcels D, J into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 22/2010 dated December 1, 2010 to a "C2" Commercial Community District and an "RR5" Rural Residential 5 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 shall be submitted showing the location and design of any proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage 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 maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for proposed Parcels A, F and L of Schedule "A" the following uses shall be deemed conditional uses:
- drinking establishment;
- auto/light truck/motorcycle, repair and service;
- auto/light truck/motorcycle, sales and rental;
- auto parts and supplies, sales;

- drive-in or drive-through;
- fuel sales;
- parking, structured;
- contractor's establishment; and
- recycling collection centre.

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

iv. That illuminated signage in the planned area shall be no higher than six (6) feet.

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of survey is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

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

9. That the plan of survey 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 – January 11, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

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

- Delete Recommendations 1.B. to 1.F. and replace with the following:

  B. That the Developer transfer Parcels E and K free and clear of all encumbrances, save for standard utility caveats, to the City at no cost, for the widening of Main Street.
  C. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening over Parcels E and K.
  D. That the Developer transfer Parcels C, H and N free and clear of all encumbrances, save for standard utility caveats, to the City at no cost for the future extension of Scotia Street.
  E. That the Developer consolidate Parcels A, F and L into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;
  F. That the Developer consolidate Parcels B, G and M into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;

- Add the following Recommendation 1.G.:

  G. That the Developer consolidate Parcels D, J into one parcel of land by a Consent to Convey application, which is subject to the approval of the Land Development Branch;

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

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Amend Recommendation 8. by deleting the word "subdivision" and replacing it with "survey"

- Amend Recommendation 9. by deleting the word "subdivision" and replacing it with "survey"

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

On December 14, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments to Schedule "C", the Report of the Administrative Coordinating Group dated December 3, 2010, as it relates to Section B. Servicing Agreement, namely:

- Delete Condition 3 in its entirety and replace with the following Condition:
  "3. Payment for the balance of the site, being the remaining R1-E lands or RR5 lands as appropriate, for the cost of those items identified in 1. and 2. above, and for land drainage charges, shall be made prior to the release of subdivision mylars for registration in Manitoba Land Titles."

- Delete Condition 8 in its entirety, and renumber the balance of the Conditions accordingly,

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

RE: Subdivision and Rezoning - Southeast corner of Main Street and Ridgecrest Avenue
File DASZ 22/2010

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: December 15, 2010

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 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 22/2010 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2010 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office 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 "C", the Report of the Administrative Coordinating Group dated December 3, 2010, ***with the following amendments to Section B. Servicing Agreement, namely:***

        i. Delete Condition 3. and replace with the following condition:
        "3. Payment for the balance of the site, being the remaining R1-E lands or RR5 lands as appropriate, for the cost of those items identified in 1.and 2. above, and for land drainage charges, shall be made prior to the release of subdivision mylars for registration in Manitoba Land Titles."

        ii. Delete Condition 8 in its entirety, and renumber the balance of the conditions accordingly.

    B. That Parcels E and K be provided as required for the widening to the Main street right-of-way and be dedicated at no expense to the City.

    C. That Parcels C, H and N be provided as required for the extension of the Scotia Street right-of-way to connect to Ridgecrest Avenue and be dedicated at no expense to the City.

    D. That Parcels A, F and L be held under one (1) land title.

    E. That Parcels B, G and M be held under one (1) land title.

F. That Parcels D, J and O be held under one (1) land title.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 22/2010 dated December 1, 2010 to a "C2" Commercial Community District and an "RR5" Rural Residential 5 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 shall be submitted showing the location and design of any proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage 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 maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for proposed Parcels A, F and L of Schedule "A" the following uses shall be deemed conditional uses:

- drinking establishment;
- auto/light truck/motorcycle, repair and service;
- auto/light truck/motorcycle, sales and rental;
- auto parts and supplies, sales;
- drive-in or drive-through;
- fuel sales;
- parking, structured;
- contractor's establishment; and
- recycling collection centre.

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

iv. That illuminated signage in the planned area shall be no higher than six (6) feet.

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

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 reason for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated December 1, 2010.

PUBLIC HEARING SUMMARY

File:	DASZ 22/2010
Before:	Lord Selkirk - West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	December 14, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	Pollock and Wright Land Surveyors (Jim Watling)
Subject:	
Premises Affected:	Southeast corner of Main Street and Ridgecrest Avenue
Exhibits Filed:	1. Revised Application dated August 4, 2010 2. Notification of Public Hearing dated November 9, 2010 3. Manitoba Status of Titles 1922509, 2154245, 2154257, 2154982 and 2154991 4. Letter of authorization dated July 27, 2010 and August 12, 2010 from Gerald D. Macdonald and Geal Investments Ltd. to Pollock and Wright Land Surveyors 5. Plans (3 pages) 6. Report from the Planning and Land Use Division dated December 1, 2010 7. Inspection Report

8. Communication dated June 3, 2010 from David O. Palubeski, Lombard North Group (1984) Ltd., with respect to the development in the Rivercrest area, submitted by Marc Newman at the public hearing
9. Communication undated with respect to the application submitted by Marc Newman at the public hearing
10. Audio Recording of representations of public hearing held on December 14, 2010

REPRESENTATIONS:

In Support:

Bob Antymniuk
Antonio Canosa
Gerry Macdonald
Mark Macdonald
Jim Watling

In Opposition:

Mark Newman

For Information:

David O. Palubeski
Walter & Gloria Samson

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 22/2010

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 22/10, southeast of Main Street and Ridgecrest Avenue

Issue: proposed: plan of survey; rezoning of part of the planned area to "C2" Commercial Community District; allocation of land for a widening of the Main Street Public Street (which would be added to the public street under a separate file); and allocation of land for a future public street that would connect Scotia Street to Ridgecrest Avenue (under a future subdivision application)

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if Community Committee's recommendations differs from the recommendations in this report) → 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 22/10 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/10 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office 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 the report of the Administrative Coordinating Group dated December 3, 2010 which is Schedule "C" of this report.

    B. That Parcels E and K be provided as required for the widening to the Main street right-of-way and be dedicated at no expense to the City.

C. That Parcels C, H and N be provided as required for the extension of the Scotia Street right-of-way to connect to Ridgecrest Avenue and be dedicated at no expense to the City.

D. That Parcels A, F and L be held under one (1) land title.

E. That Parcels B, G and M be held under one (1) land title.

F. That Parcels D, J and O be held under one (1) land title.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 22/10 dated December 1, 2010 to a "C2" Commercial Community District and an "RR5" Rural Residential 5 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 shall be submitted showing the location and design of any proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage 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 maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for proposed Parcels A, F and L of Schedule "A" the following uses shall be deemed conditional uses:

- drinking establishment;
- auto/light truck/motorcycle, repair and service;
- auto/light truck/motorcycle, sales and rental;
- auto parts and supplies, sales;
- drive-in or drive-through;
- fuel sales;
- parking, structured;
- contractor's establishment; and
- recycling collection centre.

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

iv. That illuminated signage in the planned area shall be no higher than six (6) feet.

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

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

The proposal is the construction of a building and accessory parking area near the southeast corner of Main Street and Ridgecrest Avenue. The building would be no more than three storeys and would contain commercial uses such as retail sales, personal services, clinics and offices.

A proposed plan of survey and a proposed rezoning of part of the planned area to “C2” Commercial Community District would have to be approved before the proposed development could proceed.

The proposed plan of survey would consist of 14 parcels of which:

- three would be zoned “C2” Commercial Community District;
- two would be added to the Main Street Public Street;
- three would be held by the City and allocated to become a public street that would connect Scotia Street to Ridgecrest Avenue under a future subdivision application;
- four would identify an existing right-of-way; and
- six would be held by the current owner of the planned area for a future phase of subdivision and rezoning.

The Winnipeg Public Service recommends approval of the application with conditions and modified such that the residual lands are rezoned to “RR5” Rural Residential 5 District because, with conditions and this modification, the application conforms to *Plan Winnipeg 2020 Vision.*

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

Consultation with City Departments is reflected in the recommended servicing agreement, which is Schedule “C” of this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. G. Doney
Date: December 1, 2010
File No. DASZ 22/10

Attachments and Schedules

1. Attachment 1 – planning discussion
2. Attachment 2 – permitted and conditional uses in the “C2” District

3. Schedule “A” – recommended plan of survey and rezoning
4. Schedule “B” – proposed plan of survey and rezoning
5. Schedule “C” – report of the Administrative Coordinating Group

ATTACHMENT 1 – planning discussion

DATE	December 1, 2010
FILE	DASZ 22/10
RELATED FILE	n/a
COMMUNITY	Lord Selkirk – West Kildonan
SUBJECT	proposed: plan of survey; rezoning of part of the planned area to "C2" Commercial Community District; allocation of land for a widening of the Main Street Public Street (which would be added to the public street under a separate file); and allocation of land for a future public street that would connect Scotia Street to Ridgecrest Avenue (under a future subdivision application)
LOCATION	southeast of Main Street and Ridgecrest Avenue



LEGAL DESCRIPTION:	Block 1, Plan 45041; Pt. RL 27, Parish of Kildonan
APPLICANT:	Jim Watling – Pollock & Wright 117 For Street Winnipeg, MB R3C 1C6
OWNERS:	Gerald McDonald and Geal investments Ltd.
RECOMMENDATION:	Approval with one modification and with conditions

REPORT SUMMARY

The proposal is the construction of a building and accessory parking area near the southeast corner of Main Street and Ridgecrest Avenue. The building would be no more than three storeys and would contain commercial uses such as retail sales, personal services, clinics and offices.

A proposed plan of survey and a proposed rezoning of part of the planned area to “C2” Commercial Community District would have to be approved before the proposed development could proceed.

The proposed plan of survey would consist of 14 parcels of which:

- three would be zoned “C2” Commercial Community District;
- two would be added to the Main Street Public Street;
- three would be held by the City and allocated to become a public street that would connect Scotia Street to Ridgecrest Avenue under a future subdivision application;
- four would identify an existing right-of-way; and
- six would be held by the current owner of the planned area for a future phase of subdivision and rezoning.

The Winnipeg Public Service recommends approval of the application with conditions and modified such that the residual lands are rezoned to “RR5” Rural Residential 5 District because, with conditions and this modification, the application conforms to *Plan Winnipeg 2020 Vision.*

THE PLANNED AREA (THE SITE)

The planned area is:

- in the Rivergrove Neighbourhood and the Old Kildonan Ward;
- southeast of Main and Ridgecrest; and
- consists of three parcels that, together, are approximately 12.6 acres.

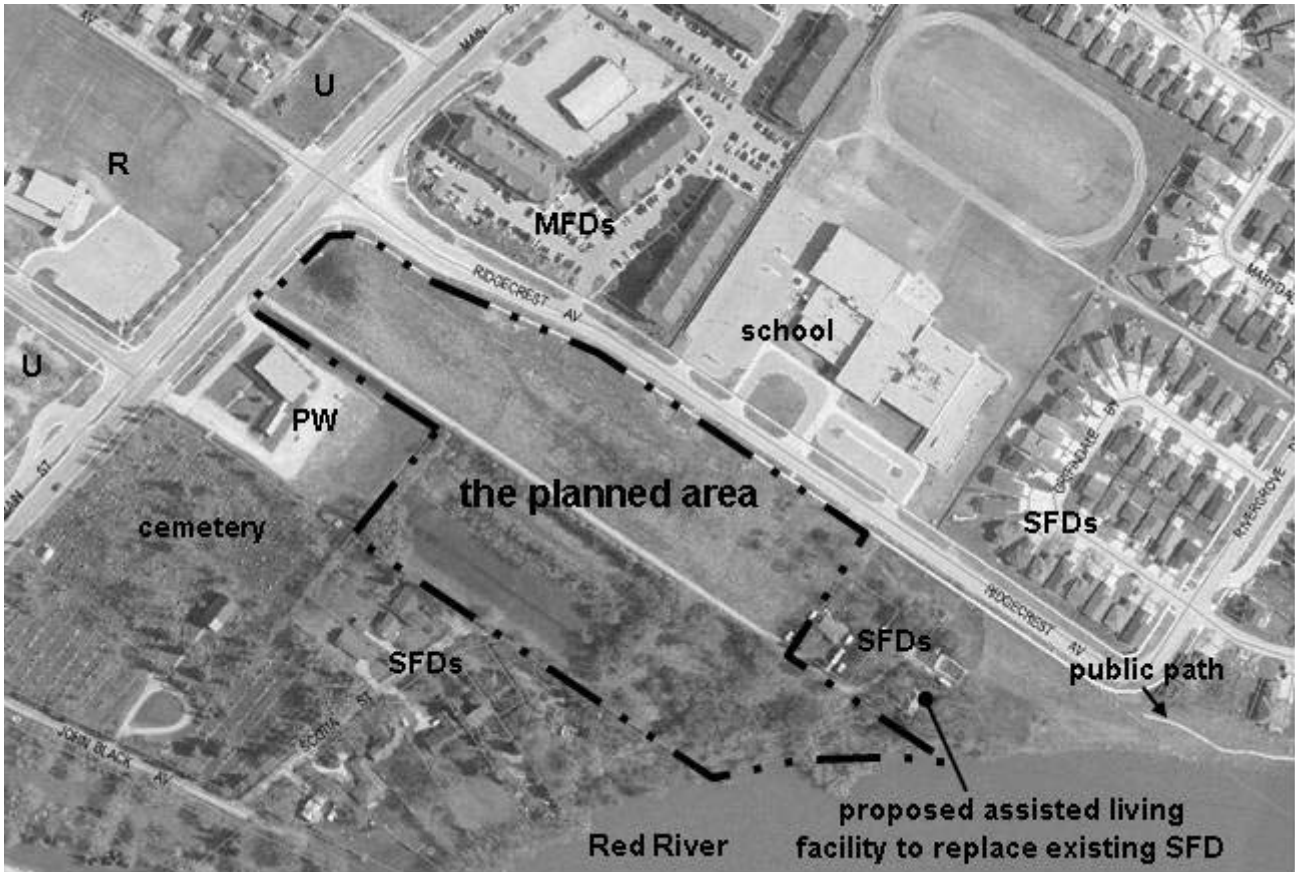
The following image is of 2009 aerial photography on which existing land uses are identified. It shows that the planned area is:

- undeveloped, except for a driveway that extends east from Main Street to the eastern limit of the planned area;
- near single-family dwellings (SFDs), a school, a place of worship (PW), a cemetery, multiple-family dwellings (MFDs) a recreation facility (R) and other undeveloped land (U); and
- immediately north of the Red River.

The aforementioned driveway provides access to two SFDs that are east of the planned area. The driveway is on one of the parcels making up the planned area. This parcel is 16 feet wide and extends from Main Street to the eastern limit of the planned area. The right to use it to access the aforementioned SFDs is established as a right-of-way in the legal description of this parcel and in the legal descriptions of the parcels for which it is “appurtenant to” (which are the parcels in which the SFDs are located).

An assisted living facility, consisting of approximately 170 units, is proposed to replace the SFD that is on the site east of the planned area and north of the Red River. This development would

be accessed from Ridgecrest and, therefore, would not require the driveway that crosses the planned area.

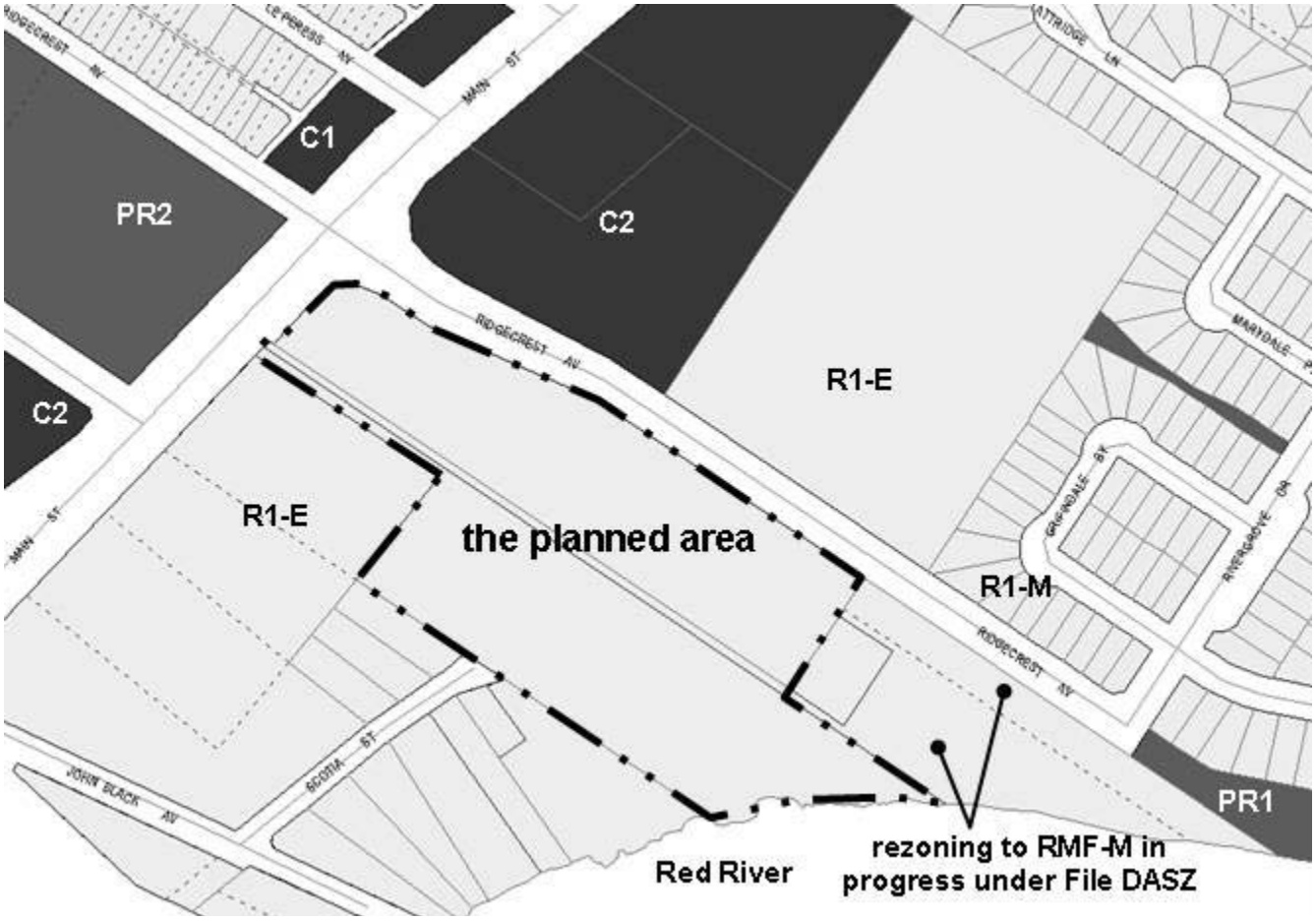


The following image identifies existing zoning. It shows that the planned area: is in an "R1-E" Residential Single-Family [estate size lots] District; and is near another "R1-E" District, an "R1-M" Residential Single-Family [medium size lots] District, a "PR2" Parks and Recreation 2 District, a "PR1" Parks and Recreation 1 District, a "C1" Commercial Neighbourhood District and "C2" Commercial Community Districts.

The site on which an assisted living facility is proposed is being rezoned to "RMF-M" Residential Multiple-Family [medium scale] District under File DASZ 22/2008 and a draft zoning agreement is be amended under File ZAA 7/2010 to accommodate the proposed development.

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

Winnipeg Transit bus routes are on Main Street and Ridgecrest Avenue, alongside the planned area. Main Street is an arterial street and Ridgecrest Avenue is a collector street. In addition, *Plan Winnipeg 2020 Vision* identifies Main Street as an "image route."



THE PROPOSED DEVELOPMENT

The proposal is the construction of a building and accessory parking area near the southeast corner of Main Street and Ridgecrest Avenue. The building would be no more than three storeys and would contain commercial uses such as retail sales, personal services, clinics and offices.

For the development to proceed, a proposed plan of survey and a proposed rezoning of part of the planned area to “C2” Commercial Community District would have to be approved before the proposed development could proceed.

The proposed plan of survey would consist of 14 parcels of which:

- three would be zoned “C2” Commercial Community District;
- two would be added to the Main Street Public Street (which is a requirement of Public Works);
- three would be held by the City and allocated to become a public street that would connect Scotia Street to Ridgecrest Avenue under a future subdivision application (which is a requirement of Planning, Property and Development);

- four would identify the right-of-way that was described in the section “The Planned Area (The Site)” of this attachment; and
- six would be held by the current owner of the planned area for a future phase of subdivision and rezoning.

ANALYSIS AND ISSUES

Plan Winnipeg Compliance

Policy 3A-01, Promote Orderly Development, of *Plan Winnipeg 2020 Vision* 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 this policy because the proposed commercial uses would be at a scale that is compatible with the neighbourhood and could provide employment opportunities and commercial services to local residents.

If the proposed development is of a higher quality than what is typical it would also conform to Policy 5E-02, Designate and Enhance Image Routes and Scenic Drives, which states: “The City shall designate and enhance image routes and scenic drives by… providing a higher standard of design, maintenance, and cleanliness on image routes…”

Compatibility with the Neighbourhood

As stated above, the proposed uses would be compatible with the neighbourhood. The design of the proposed development would also be compatible with the neighourhood provided it is in accordance with the subsection “Site Design” of this attachment.

Zoning By-law 200/2006

As shown in the principal use table of the zoning by-law and the table in Attachment 2, the “C2” Commercial Community District permits some uses that may be compatible with the neighbourhood provided they are subject to certain conditions. These uses, which are: drinking establishment; auto/light truck/motorcycle, repair and service; auto/light truck/motorcycle, sales and rental; auto parts and supplies, sales; drive-in or drive-through; fuel sales; parking, structured; contractor’s establishment; and recycling collection centre; should be made conditional under a zoning agreement.

In addition, Part 5, Development and Design Standards of the zoning by-law provides reasonable minimum requirements for the design and development of buildings, motor-vehicle and bicycle parking areas, loading areas, landscaping, fencing, signage, lighting, garbage enclosures and other such elements.

Lastly, it is of note that the minimum area for a single-family dwelling lot is 20,000 square feet for the “R1-E” District and five acres for the “RR5” Rural Residential 5 District. If the portions of the planned area not proposed for rezoning are rezoned to “RR5” Rural Residential 5 District, there is greater assurance that these lands would remain undeveloped until they are rezoned under a future development application.

Site Design

Given that the planned area is adjacent to an “image route” (Main Street), it should be designed and developed to a standard that exceeds that which is required in Part 5 of Zoning By-law 200/2006.

In addition, the planned area should be developed such that buildings are close to Main Street and Ridgecrest Avenue and parking areas are behind (south and east of) them. This would provide greater definition to Main Street and Ridgecrest Avenue and would enhance a sense of place within these streets, particularly for pedestrians.

As well, the side of a building facing the street should be transparent so that building users can easily view the street and people on the sidewalks can see into the buildings. This would enhance a sense of safety from crime for pedestrians and would contribute to the visual interest of the street’s pedestrian realm.

Transportation

As previously stated, two of the proposed parcels would be added to the Main Street Public Street and three would be held by the City and allocated to become a public street that would connect Scotia Street to Ridgecrest Avenue under a future subdivision application. The future extension of Scotia Street to Ridgecrest Avenue would be part of an active-transportation (non-motorized transportation) route.

REASONS FOR THE RECOMMENDATIONS

The Winnipeg Public Service recommends approval of the application with conditions and modified such that the residual lands are rezoned to “RR5” Rural Residential 5 District because, with conditions and this modification, the application conforms to *Plan Winnipeg 2020 Vision.* As previously stated, down-zoning the residual lands to “RR5” Rural Residential 5 District would provide greater assurance that these lands would remain undeveloped until they are rezoned under a future development application.

The recommended condition that plans of the development must be approved by the Director of Planning, Property and Development is to ensure the development is of a high quality and the buildings are designed and sited in accordance with the subsection “Site Design” of this attachment.

As stated in the subsection “Zoning By-law 200/20076,” certain uses that are permitted in the “C2” District should be conditional because they may not be compatible with the neighbourhood if they are not subject to conditions specific to the planned area.

The conditions restricting signage are to ensure signage in the planned area will be quite compatible with the area.

This Report Submitted by:
Planning, Property and Development Department, Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 22/10

ATTACHMENT 2 – permitted and conditional uses in the "C2" District

C = conditional, P = permitted, * = use specific standard

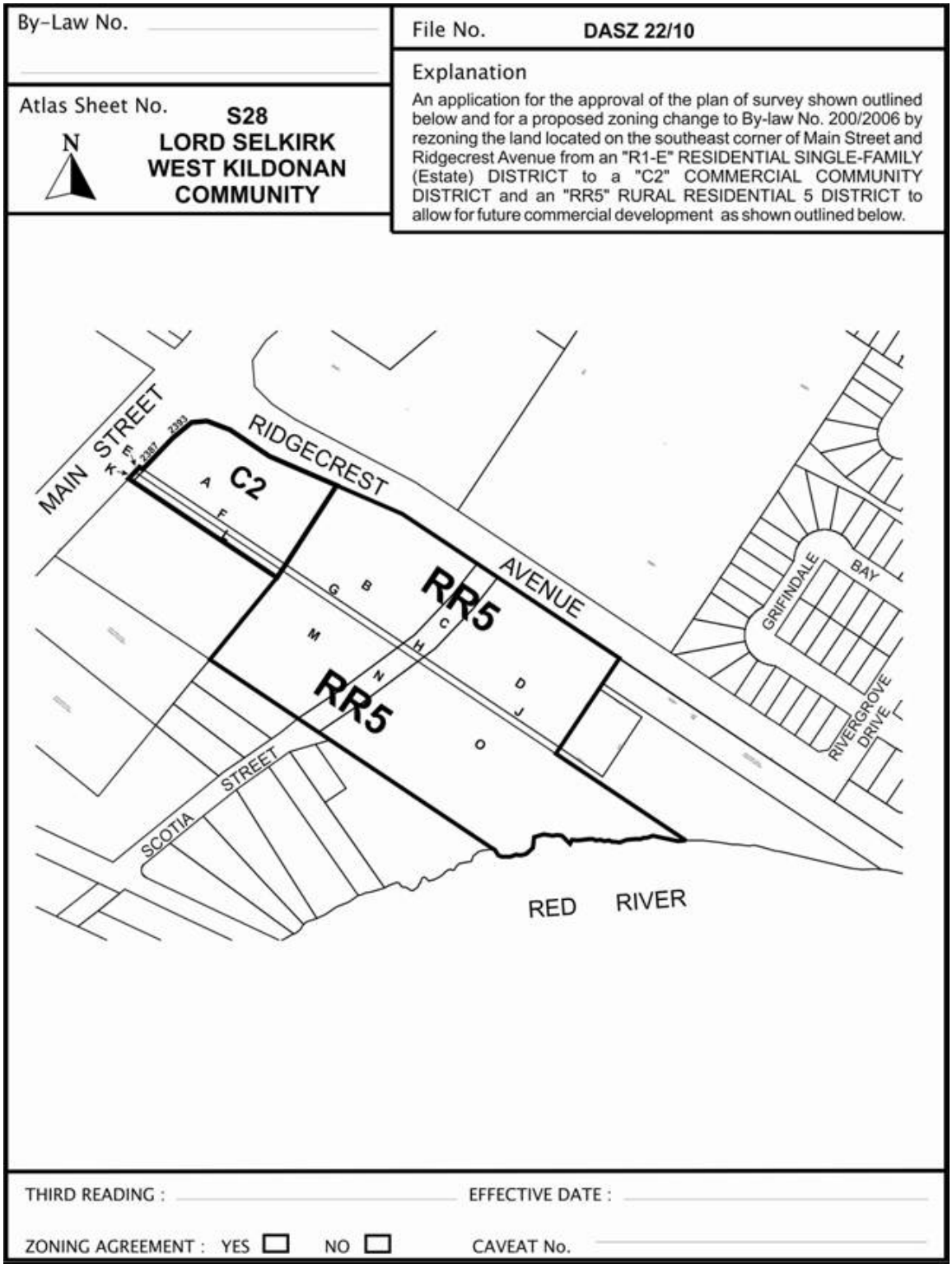
Household Living	
Dwelling, live-work	C*
Dwelling, multi-family	C
Dwelling, single-family detached	C
Dwelling, two-family	C
Group Living	
Assisted living facility	P
Care home	P*
Neighbourhood rehabilitation home	P*
Single room occupancy	P*
Community Facilities	
Community/recreation centre	P
Library	P
Post office/carrier depot	P
Protection and emergency services	P
Social service facility	P
Education	
College or university	P
Commercial school	P
Park and Park-Related	
Boat dock, public access	C
Community gardens	P
Park/plaza/square/playground	P
Other Public and Institutional	
Day care centre	P*
Hospital	C*
Place of worship	P*
Cultural Facilities	
Cultural centre	C
Gallery/museum	P
Recreation and Entertainment, indoor	
Amusement enterprise, indoor	P*
Auditorium/concert hall/theatre/cinema	P*
Hall rental	C
Private club, not licensed	C*
Sports or entertainment arena/stadium, indoor	
Studio, radio/TV/motion picture broadcast & production	P
Recreation and Entertainment, outdoor	
Amusement enterprise, outdoor	C

Accommodation	
Hostel	P
Hotel or motel	P
Animal Sales and Service	
Animal hospital or veterinary clinic	P
Kennel	P*
Food and Beverage Service	
Drinking establishment	P*
Restaurant	P*
Office	
Call centre	
Office	P
Personal Services	
Personal services (unless otherwise listed)	P*
Body modification establishment	C
Cheque-cashing facility	C*
Funeral chapel or mortuary	C
Medical/dental/optical/ counselling clinic	P
Retail Sales	
Retail sales, unless otherwise listed in the zoning by-law	P*
Auction room	C
Landscape or garden supplies	P
Supermarket	P*
Restricted	
Pawnshop	C*
X-rated store	C*
Signs	
Advertising sign	C
Private Motor Vehicle Related	
Auto/light truck/motorcycle, repair and service	P*
Auto/light truck/motorcycle, sales and rental	P*
Auto parts and supplies, sales	P
Car wash	C
Drive-in or drive-through	P*
Fuel sales	P*
Parking, structured	P
Parking, surface	C
Transit and Transportation	
Bus depot	C
Commercial marina	C
Transit station	C
Utility	

Utility facility, minor	P*

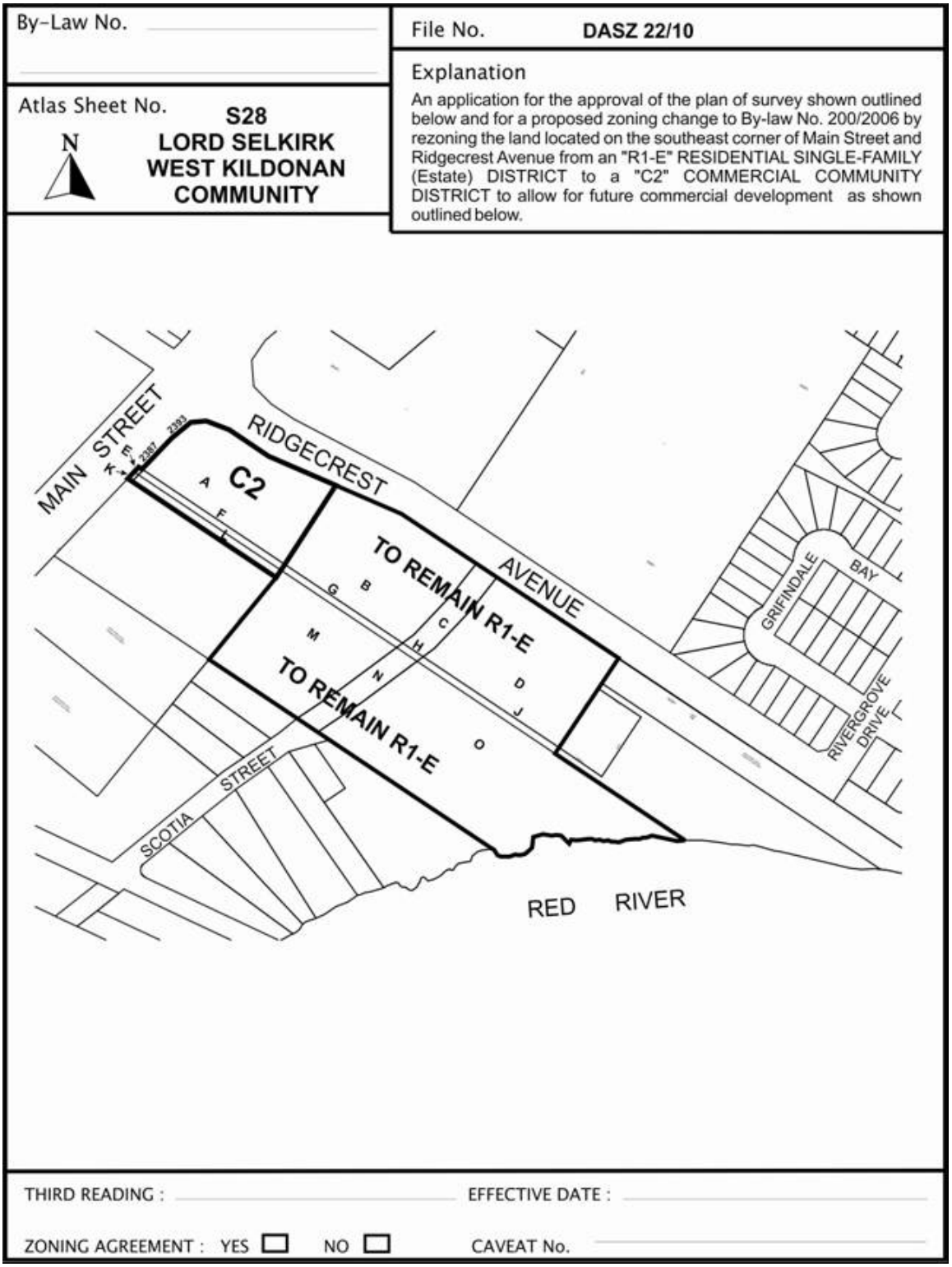
Industrial Service	
Contractor's establishment	P
Fleet services	C
Waste and Salvage	
Recycling collection centre	P

SCHEDULE "A"



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 22/10, dated December 1, 2010

SCHEDULE "B"



Schedule "B" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 22/10, dated December 1, 2010

SCHEDULE "C"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – DECEMBER 3, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT THE SOUTH EAST CORNER OF MAIN STREET AND RIDGECREST AVENUE - DASZ 22/10

It is recommended that the approval of DASZ 22/10 be subject to the following:

A. Plan Considerations

1. The Developer providing at no expense to the City a 2.743m widening of the Main Street right-of-way along the most southerly 11.141m of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

B. Servicing Agreement

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

1. The Developer shall pay, for the proposed C2 site, its share of the cost of the following improvements at and in the vicinity of the intersection of Ridgecrest Avenue and Main Street on an area basis for the area of currently undeveloped, but developable lands, bounded by Main Street on the west, Chief Peguis Trail on the south, the Red River on the east.

   a. right-turn channelization in the southeast and northeast corners of the intersection, modifications to the existing median opening as may be required and modifications to Ridgecrest Avenue west of Main Street as may be required to be compatible with Ridgecrest Avenue east of Main Street and all related works which amount is calculated as follows:

i) Intersection improvements		$3,858.60
ii)	GST (5%)	$192.93
	Total	$4,051.53

   b. the full cost of the installation of traffic control signals and all related works, including, but not necessarily limited to, pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and audible pedestrian signals calculated as follows;

i) Traffic signals		$4,390.66
ii)	GST (5%)	$219.53
	Total	$4,610.19

all as and when determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall pay, for the proposed C2 site, its share of the cost of the pavement oversizing previously installed by others in Ridgecrest Avenue, as determined by the Director of Public Works.

3. Payment for the balance of the site, being the remaining R1-E lands, for the cost of those items identified in 1.and 2. above, and for land drainage charges, shall be deferred until development of those remaining lands.

4. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall be responsible to control and to initiate the clean-up 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 substantial completion of all construction. The clean-up of liter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

8. The Developer shall commute, for the proposed C2 site, consisting of 366.7 feet of frontage on Ridgecrest Avenue, the amount of the local improvement costs assessed against the property for services installed in Ridgecrest Avenue, which amount is calculated approximately as follows:

Wastewater Sewer	$37,528.98
Water Main	$22,958.30
33' x 8" Concrete Street Pavement	$54,024.30
Boulevard (North Side)	$1,313.13
5' Concrete Sidewalk (North Side)	$3,465.19
Boulevard (South Side)	$1,107.08
5' Concrete Sidewalk (South Side)	$3,465.19
Ornamental Street Lighting	$1,229.32
Land Drainage Sewer - Laterals & Trunks	$15,925.89
Total	$141,017.38

9. The developer shall pay cash-in-lieu of land dedication for only that portion of the planned area which is being zoned C2 portion and intended for imminent development and that consideration for Land Dedication requirements for the balance of the site be deferred until development of the remaining lands are being pursued. The developer shall provide cash in lieu of land dedication, in accordance with the process outlined in the Development Agreement Parameters, for the subject C2 zoned land, which is approximately 1.9 acres.

10. i) Administration fee (minimum) $1,650.00
ii) GST (5%) $82.50
Total $1,732.50

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement, a lump sum administration fee calculated as follows:

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 22/10
December 3, 2010

"original signed by K.T. Raban, 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 and Waste Department

“original signed by D. Beaton, MLArch.”
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

/ktr