Agenda - Council - May 28, 2003

Report - Standing Policy Committee on Property and Development - May 6, 2003

Item No. 4 Proposed Subdivision and Rezoning - 737 Keewatin Street
File DASZ 4/2003 [c/r DCU 87/2003D, DAV 169/2003D]

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 4/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2003 attached hereto and dated April 17, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2003 (Lot 2), attached hereto and dated April 17, 2003, to a "C2" Commercial District.

4. 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 an additional building site.

5. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. That the City Solicitor/Manager of Legal Services 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 Development Agreement.

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**.**

Report - Standing Policy Committee on Property and Development - May 6, 2003

9. That the Plan of Subdivision 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 twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - May 6, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 28, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Proposed Plan of Subdivision and a Proposed Zoning Change - 737 Keewatin Street**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**April 30, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendations, and recommends as follows:

1. That the plan of subdivision proposed under File DASZ 4/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2003 attached hereto and dated April 17, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2003 (Lot 2), attached hereto and dated April 17, 2003, to a "C2" Commercial District.

4. 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 an additional building site.

5. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. That the City Solicitor/Manager of Legal Services 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 Development Agreement.

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 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 twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report of the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File:	DASZ 4/2003 (c/r DCU 87/2003D & DAV 169/2003D)
Before:	Lord Selkirk-West Kildonan Community Committee Councillor O'Shaughnessy, Chairperson Councillor Lazarenko Councillor Pagtakhan
Public Hearing:	April 15, 2003 Community Committee Chamber, 1760 Main Street
Adjourned to:	April 28, 2003 West Committee Room, 510 Main Street
Applicant:	Gaboury Prefontaine Perry Architects (Yuriy Lyubetskiy) 310 - 55 Donald Street Winnipeg, Manitoba R3C lL8

Subject:



Premises Affected: 737 Keewatin Street

Exhibits Filed:

1. Application dated March 15, 2003
2. Advertising notice dated March 20, 2003
3. Manitoba Status of Title 1368375
4. Letter of authorization dated February 13, 2003
5. Misc. Plan LSWK 7337/18
6. Proposed plan of subdivision
7. Site and Main Floor Plans dated February 24, 2003
8. Report from the Acting Manager of Planning and Land Use dated April 6, 2003
9. Revised report from the Acting Manager of Planning and Land use dated April 14, 2003
10. Photograph(s) of the site and Inspection Notice
11. Revised Schedule “A” dated April 17, 2003

REPRESENTATIONS:

In Support:

Yuriy Lyubetskiy, Gaboury Prefontaine Perry Architects, 310 - 55 Donald Street, Winnipeg, Manitoba, R3C lL8
Fausto Yadao, 1209 - 270 Roslyn Road, Winnipeg, Manitoba, R3L 0H3

In Opposition:

Nil

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

April 15, 2003
The Planner apprised Committee of the fact it was recently discovered that the poster and advertisement for the subject rezoning application showed Parcel 1 as forming part of the subject application to have the land rezoned to "C2" when in fact Parcel 1 is to remain "R1-4". In light of this information, Committee adjourned the public hearing with respect to this application and requested the Clerk to clarify the need (if any) to repost/readvertise the subject application, and to schedule the adjourned public hearing at the earliest possible date [the adjourned date being April 28, 2003 at 5:00 p.m., West Committee Room, 510 Main Street].

April 28, 2003
At the adjourned public hearing, Yuriy Lyubetskiy, on behalf of the applicant, Gaboury Prefontaine Perry Architects, appeared in support of the application and indicated concurrence in the recommendations outlined in the revised report of the Acting Manager of Planning and Land Use.

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

REVISED
File No. DASZ 4 /03 April 14, 2003
Our c/f CP 500 (. 307)

Mrs. Diane Timmins
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mrs. Timmins

SUBDIVISION AND REZONING
Land located : 737 Keewatin St.
LS/WK Community
File No. DASZ 4 /03

An application has been received from Gaboury Prefontaine Perry Architects on behalf of the Philippine – Canadian Association for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an " R1-4" Residential District to a "C2" Commercial District to allow for the construction of a cultural centre and professional offices.

RELATED FILES: DCU 87/03D, DAV 169/03D



SITE DESCRIPTION:

Site Area:

The total area to be rezoned (Parcel 2) encompasses an area of 2.72 acres.

Existing Land Use and Zoning:

The land is vacant and lies immediately south of the Sir William Stephenson Library. It is zoned " R1-4 " Residential.

Surrounding Land Use and Zoning:

North: To the north is the Sir William Stephenson Library zoned R1-4 Residential and beyond the library is a commercial area zoned C2.
South: To the south is a recreational complex zoned PR-1.
East: To the east is the Willow Park Housing Complex zoned RM-2 Multiple Family Residential.
West: To the west is the Tyndall Homes Housing Complex zoned RM-2 Multiple Family.

DEVELOPMENT DESCRIPTION:

The prospective owners of the subject land , the Philippine Canadian Association , propose to construct an 11,820 sq. ft . building, 8900 sq. ft. of which will constitute the future cultural centre. The remaining space will be divide into office space including a Professional Dentist Office. There is provision for 109 parking stalls at the front and rear of the new building with primary access being to and from Keewatin St. The association is purchasing the subject land from the City conditional upon obtaining the necessary approvals.

PLAN WINNIPEG:

The subject land falls within a designated Neighbourhood Policy Area under Plan Winnipeg which allows for the processing of commercial rezoning applications. There is therefore no conflict with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

The proposed rezoning and subdivision has been carefully evaluated by this Division and we are of the view that the proposed development will not only be compatible with the surrounding neighbourhood but will ,in all likelihood ,compliment the area. The parcel in question is large enough to accommodate the project, while at the same time providing some separation from adjoining uses to the north and east. At the outset , we had suggested that access be restricted to Keewatin which is a high traffic corridor; with no access of any kind to Dorset St. which abuts a residential housing area. The developers have agreed to that as is clearly illustrated on the accompanying plans. There is extensive landscaping being provided at the front of the building with provision for 109 parking stalls front , side and rear. While we have agreed to a temporary gravel parking area at the rear of the building(instead of the required asphalt) ,

we have suggested that a lightproof fence be constructed along the east periphery of the future rear parking area to reduce the impact of vehicular headlights on neighbouring residences. It should be pointed out that while the adcuts suggest both Lot 1(the library site) and Lot 2 are to be rezoned to a C2 category, in actual fact only Lot 2 is being rezoned.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 4/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 4/03, attached hereto and dated April 6/03, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A " for File No. DASZ 4/03 (Lot 2), attached hereto and dated April 6/03, to a " C2" Commercial District .

IV. That a 10 percent 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 an additional building site .

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.

IX. 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.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

Chris Knoll
Acting Manager of Planning and Land Use

Kevin Lalor
Per: Acting Coordinator, Urban Planning Br.
LS/WK Community
986-5069

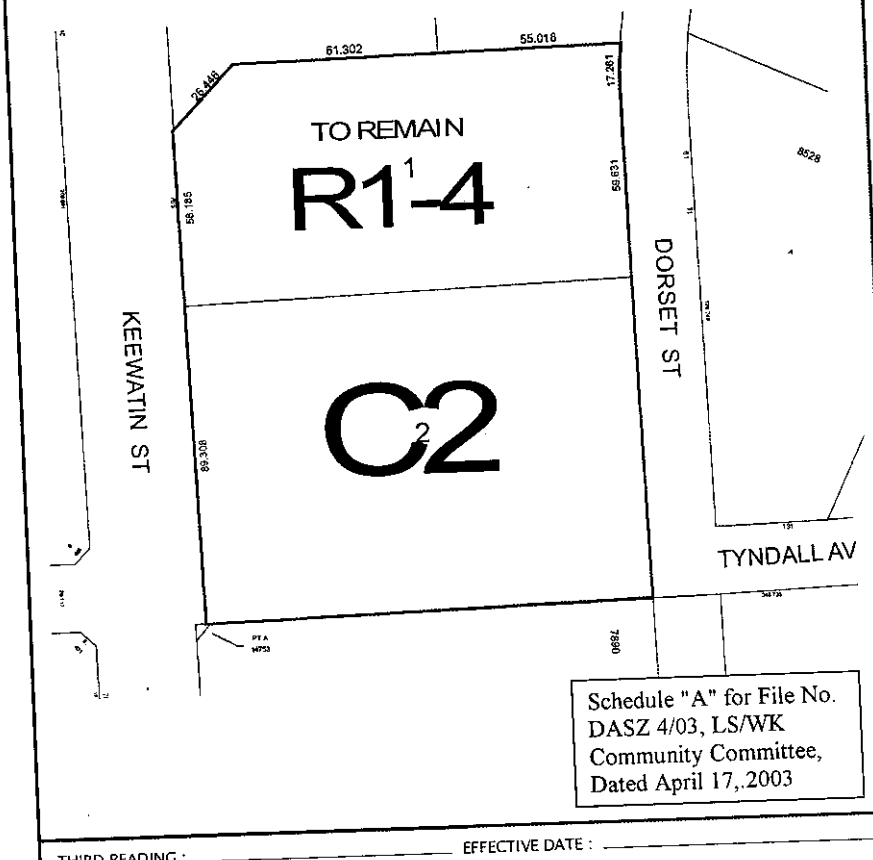
/jc

By-Law No. _____

File No. DASZ 4/03

Explanation
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 737 Keewatin Street from a "PR1" PARKS AND RECREATION DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. U21
LORD SELKIRK
WEST KILDONAN
COMMUNITY



Schedule "A" for File No. DASZ 4/03, LS/WK Community Committee, Dated April 17,.2003

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

THIS IS EXHIBIT " 11 " REFERRED TO
IN FILE NO. DASZ 4/2003
DATED THIS 28 DAY OF April 20 03
A. Jennens
CLERK