Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 7 Rezoning - 780, 786, 790, 798 and 806 McDermot Avenue
File DAZ 212/2003 [c/r DCU 112/2003D]

STANDING COMMITTEE RECOMMENDATION:

On July 16, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2003 attached hereto and dated May 26, 2003, to a "C2" Commercial District, subject to the following:

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

      i. Hospital, or similar treatment center, as a conditional use
      ii. Medical or dental clinics, laboratories, or similar facilities.
      iii. University, college, or school, not conducted as a business enterprise.
      iv. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
      v. Institutions of an educational or philanthropic nature except those of a correctional nature.
      vi. Non-accessory off-street parking and loading areas, or parking structures.
      vii. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of Winnipeg Zoning By-law No. 6400/94
      viii. Day care centre
      ix. Accessory uses, not listed
      x. Any of the following incidental businesses, conducted as a service, provided that there is no entrance to such place of business except from the interior of the building and that no sign advertising of such business shall be erected on the exterior of the building:
         a. bank, credit union or similar financial service
         b. barber shop, beauty salon, or similar grooming service

Report - Standing Policy Committee on Property and Development - July 3, 2003

c. book sales
d. stationery sales
e. convenience store, as a conditional use
f. drug store
g. florist
h. gift store
i. laundry, self-service
j. office
k. post office, carrier depot
l. restaurant, with a maximum 2,500 square feet of floor area

2. That a ten per cent (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 the market value of the land.

3. 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 an extension of this 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 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 July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation outlined in the revised administrative report dated June 10, 2003, and submitted the matter to the Standing Policy Committee on Property and Development.

RE:	**Proposed Rezoning - 780, 786, 790, 798 and 806 McDermot Avenue** **File DAZ 212/2003 [c/r DCU 112/2003D]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**June 18, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation outlined in the revised administrative report and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2003 attached hereto and dated May 26, 2003, to a "C2" Commercial District, subject to the following:

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

        i. Hospital, or similar treatment center, as a conditional use
        ii. Medical or dental clinics, laboratories, or similar facilities.
        iii. University, college, or school, not conducted as a business enterprise.
        iv. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
        v. Institutions of an educational or philanthropic nature except those of a correctional nature.
        vi. Non-accessory off-street parking and loading areas, or parking structures.
        vii. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of Winnipeg Zoning By-law No. 6400/94
        viii. Day care center
        ix. Accessory uses, not listed
        x. Any of the following incidental businesses, conducted as a service, provided that there is no entrance to such place of business except from the interior of the building and that no sign advertising of such business shall be erected on the exterior of the building:

a. bank, credit union or similar financial service
b. barber shop, beauty salon, or similar grooming service
c. book sales
d. stationery sales
e. convenience store, as a conditional use
f. drug store
g. florist
h. gift store
i. laundry, self-service
j. office
k. post office, carrier depot
l. restaurant, with a maximum 2,500 square feet of floor area

2. That a ten per cent (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 the market value of the land.

3. 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 an extension of this 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

7. That the City Solicitor/Manager of Legal Services 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 agrees with the administrative comments contained in the revised report from the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

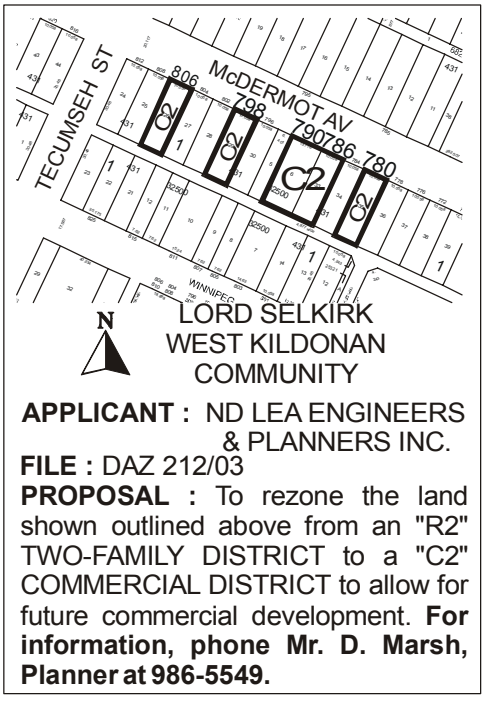
File: DAZ 212/2003 [c/r DCU 112/2003D]

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

Public Hearing: June 10, 2003
Community Committee Chamber
1760 Main Street

Applicant: ND Lea Engineers & Planners Inc. (Michael Carruthers)
1903 - 386 Broadway
Winnipeg, Manitoba
R3C 3R6

Subject:



Premises Affected: 780, 786, 790, 798 and 806 McDermot Avenue

Exhibits Filed:

1. Application dated April 25, 2003
2. Advertising Notice dated May 15, 2003
3. Manitoba Status of Titles 1402611, 1402612, 1452094, 1494764 and 1931107
4. Letter of authorization dated April 2, 2003
5. Report from the Acting Manager of Planning and Land Use dated May 26, 2003
6. Revised report from the Acting Manager of Planning and Land Use dated June 10, 2003
7. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Michael Carruthers, ND Lea Engineers & Planners Inc.

In Opposition:

Nil

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Michael Carruthers, ND Lea Engineers & Planners Inc., appeared in support of the application and indicated concurrence in the recommendation outlined in the revised report from the Acting Manager of Planning and Land Use.

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 212/03 June 10th, 2003
Our c/f CP 300 (.105)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins :
REVISED REPORT

REZONING
780, 786, 790, 798, and 806 McDermot Ave.
Lord Selkirk – West Kildonan Community Committee
File No. DAZ 212/03

An application has been received from ND Lea on behalf of the University of Manitoba, to amend By-Law No. 6400/94 by rezoning the land shown below from a "R-2" Residential District to a/an "C-2" Commercial District to allow for short term accessory parking and long term redevelopment.

RELATED FILES: DCU 112/03C; DAV 236/03C; DAV 237/03C



SITE DESCRIPTION:

Site Area:

The total overall site area of the five lots subject to this application is approximately 0.4 acres.

Existing Land Use and Zoning:

The five lots in question are currently zoned R-2 Residential, and contain a mix of accessory parking areas, occupied, and unoccupied residential buildings.

Surrounding Land Use and Zoning:

North: McDermot Ave., with a parking lot and buildings associated with the University of Manitoba and the Health Sciences Centre, zoned C-2.

South: A residential alley right-of-way, with a mixture of private residences (R-2), a building occupied by the Manitoba Buddhist Association (R-2), and vacant residences and lots owned by the University of Manitoba and the Winnipeg Regional Health Authority (R-2 and C-2). Further to the south are parking areas and buildings owned by the Winnipeg Regional Health Authority, located on the north side of Notre Dame Ave., zoned C-2.

East: Vacant lots and buildings associated with the Health Sciences Centre (C-2), and an older mid-rise apartment building (R-2).

West: Tecumseh St, with a residential neighbourhood and a church facility (R-2).

DEVELOPMENT DESCRIPTION:

The applicant, the University of Manitoba, proposes to rezone the five properties in question to allow for future redevelopment. The short term for these properties are proposed to be non-accessory parking on 780 and 806 McDermot (see related variance applications DAV 236/03D & DAV 237/03C), and continued residential use on the remaining three properties (see related conditional use application DCU 112/03C). It is the University's intent to develop a long term plan for the use of these properties; however, the applicant has indicated that such a plan has not been determined at this time.

PLAN WINNIPEG:

The subject parcelts fall with a designated Neighbourhood Policy Area under Plan Winnipeg which allowes for the processing of commercial rezoning applications; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The proposed rezoning is in general compatable with the surrounding land uses in the area. The majority of the properties and uses in the area are related to the activities of the University of Manitoba and the Health Sciences Centre. The rezoning of these properties to a C-2 Commercial district is consistent with the existing University of Manitoba and Health Sciences Centre complex, and will allow for potential expansion of these facilities and associated uses.

RECOMMENDATION:

I. That Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 212/03, attached hereto and dated May 26, 2003, to a "C-2" Commercial District, subject to the following:

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

1. Hospital, or similar treatment center, as a conditional use
2. Medical or dental clinics, laboratories, or similar facilites.
3. University, college, or school, not conducted as a business enterprise.
4. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
5. Institutions of an educational or philanthropic nature, except those of a correctional nature.
6. Non-accessory off-street parking and loading areas, or parking structures.
7. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of Zoning By-Law No. 6400/94
8. Day care center
9. Accessory uses, not listed
10. Any of the following incidental businesses, conducted as a service, provided that there is no entrance to such place of business except from the interior of the building and that no sign advertising such business shall be erected on the exterior of the building:
    a. bank, credit union or similar financial service
    b. barber shop, beauty salon, or similar grooming service
    c. book sales
    d. stationery sales
    e. convenience store, as a conditional use
    f. drug store
    g. florist
    h. gift store
    i. laundry, self-service
    j. office
    k. post office, carrier depot
    l. restaurant, with a maximum 2,500 square feet of floor area

II. That a 10 per cent 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 the market value of the land.

III. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: David Marsh , AICP,
Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DAZ 212/03**

Atlas Sheet No. **Y23**

N

CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 780, 786, 790, 798 and 806 McDermot Avenue from an "R2" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 212/03, LS/WK Community, dated May 26/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____