Minutes – Executive Policy Committee – April 15, 2015

REPORTS

Item No. 2 Subdivision and Rezoning - 655 Notre Dame Avenue and 790 Sherbrook Street (Point Douglas Ward) File DASZ 3/2015 [c/r DAV 106104/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended to Council:

1. That the plan of subdivision proposed under File DASZ 3/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2015 dated February 10, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 3/2015 dated February 10, 2015 to an "EI" Educational and Institutional PDO-1 West Alexander & Centennial 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 and/or accessory parking area and/or freestanding signage plans shall be submitted showing the design of the proposed buildings, the location and design of accessory parking areas, private approaches, pedestrian and plaza areas, garbage enclosures, fencing, landscaping, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Lord Selkirk West Kildonan Community Committee for plan 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 and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure pedestrian and vehicular access to every lot at all times, via streets pathways, or internal roads. The instrument must contain the substance of the following terms:

- "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

- Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Princess Street and Stanley Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

- The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

- As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

iii. That the ground floor of any proposed building be set back a minimum of ten (10) feet from the east property line (Sherbrook St) and that this setback shall not apply to supporting columns provided there is a minimum of 5 feet between the outer edge of the east building wall and the west edge of the support column.

3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. The proposed subdivision would result in two (2) existing private approaches on the subject land becoming non-conforming private approaches under the Private Access By-law No. 49/2008. The Developer is responsible for applying to the City for approval of the non-conforming private approaches. The City will not release the plan of subdivision mylars to the owner for registration in the land titles office unless and until the City approves the private approaches.

5. That the Zoning Agreement Caveats 80-64361/1 under file DAZ 339/79 dated October 1, 1980; 86-94463/1 under file DAZ 245/86 dated September 11, 1986; and 1638742/1 under file DAZ 224/ 92 dated January 26, 1993 be withdrawn.

6. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements as approved in aforesaid Recommendation 5.

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

8. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

9. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

10. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

11. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

12. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

13. 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.

14. 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.

DECISION MAKING HISTORY:

Moved by Deputy Mayor Pagtakhan,

That the recommendation of the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - 655 Notre Dame Avenue and 790 Sherbrook Street File DASZ 3/2015**

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk Lord Selkirk-West Kildonan Community Committee**

Report date: **April 8, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 3/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2015 dated February 10, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 3/2015 dated February 10, 2015 to an "EI" Educational and Institutional PDO-1 West Alexander & Centennial 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 and/or accessory parking area and/or freestanding signage plans shall be submitted showing the design of the proposed buildings, the location and design of accessory parking areas, private approaches, pedestrian and plaza areas, garbage enclosures, fencing, landscaping, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Lord Selkirk West Kildonan Community Committee for plan 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 and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure pedestrian and vehicular access to every lot at all times, via streets pathways, or internal roads. The instrument must contain the substance of the following terms:

- "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

- Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Princess Street and Stanley Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

- The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

- As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

iii. That the ground floor of any proposed building be set back a minimum of ten (10) feet from the east property line (Sherbrook St) and that this setback shall not apply to supporting columns provided there is a minimum of 5 feet between the outer edge of the east building wall and the west edge of the support column.

3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. The proposed subdivision would result in two (2) existing private approaches on the subject land becoming non-conforming private approaches under the Private Access By-law 49/2008. The Developer is responsible for applying to the City for approval of the non-conforming private approaches. The City will not release the plan of subdivision mylars to the owner for registration in the land titles office unless and until the City approves the private approaches.

5. That the Zoning Agreement Caveats 80-64361/1 under file DAZ 339/79 dated October 1, 1980; 86-94463/1 under file DAZ 245/86 dated September 11, 1986; and 1638742/1 under file DAZ 224/ 92 dated January 26, 1993 be withdrawn.

6. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements as approved in aforesaid Recommendation 5.

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

8. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

9. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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13. 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.

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. This is going to be a really positive development in the neighbourhood which will make this area of the City part of the healthcare epicenter of Winnipeg and Manitoba, and part of the biomed city.

2. The area of Sherbrook Street and Notre Dame Avenue where the subject project is located is the gateway to the West Alexander Centennial neighbourhood.

3. The development will be very pedestrian orientated and will have an active transportation component on Sherbrook Street to ensure there is a level of connectivity as the build-up progresses in the future.

PUBLIC HEARING SUMMARY

File: DASZ 3/2015

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

Public Hearing: April 7, 2015
Council Building, 510 Main Street

Applicant: Cooper Rankin Architecture (Arnie Cooper)

Subject:



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LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : COOPER RANKIN ARCHITECTURE

FILE : DASZ 3/15

PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C2" and "C3" COMMERCIAL COMMUNITY and COMMERCIAL CORRIDOR respectively, PDO-1 WEST ALEXANDER & CENTENNIAL DISTRICTS to an "EI" EDUCATIONAL AND INSTITUTIONAL PDO-1 WEST ALEXANDER & CENTENNIAL DISTRICT and to withdraw caveats 80-64361/1, 86-94463/1, 1638742/1 which restricts uses and require Director Plan Approval to allow for the consolidation of lands and the construction of a medical clinic with accessory parking. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected:	655 Notre Dame Avenue and 790 Sherbrook Street

Exhibits Filed:

1. Application dated February 10, 2015
2. Notification of Public Hearing dated February 13, 2015
3. Manitoba Status of Titles 1374224/1, 2418405/1, 2378472/1 and 1019056/1

4a. Letter of authorization dated January 22, 2015 from Jeff Grapentine, The Manitoba Clinic Holding Co. Ltd. to Cooper Rankin Architecture

4b. Letter of authorization dated February 6, 2015 from Joe Cavallo, Shell Canada Limited to The Manitoba Clinic Holding Co. Ltd.

5. Caveats 80-64361, 86-94463, 1638742, 1846456, K51641, 1016352, 2135458 and 2636465
6. Plans (11 pages)
7. Report from the Urban Planning Division dated March 31, 2015
8. Inspection Report

REPRESENTATIONS:

In Support:

Arnie Cooper, Cooper Rankin Architecture
Douglas Finkbeiner
Ryan Turner

In Opposition

Nil

For Information:

Jeff Grapentine

For the City:

Mr. N. Yauk, Senior Planner, Planning, Property and Development Department

Exhibit " 7 " referred to in File DASZ 3/2015

ADMINISTRATIVE REPORT

Title: DASZ 3/2015 – 655 Notre Dame Ave & 790 Sherbrook St

Issue: For consideration at the Public Hearing to rezone land from "C2" Community Commercial and "C3" Community Corridor PDO-1 West Alexander and Centennial to an "EI" Educational and Institutional PDO-1 West Alexander and Centennial District.

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Critical Path: LSWK Community Committee – Standing Policy Committee - Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 3/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2015 dated Feb. 10, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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(right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure pedestrian and vehicular access to every lot at all times, via streets pathways, or internal roads. The instrument must contain the substance of the following terms:

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iii. That the ground floor of any proposed building be set back a minimum of ten (10) feet from the east property line (Sherbrook St) and that this setback shall not apply to supporting columns provided there is a minimum of 5 feet between the outer edge of the east building wall and the west edge of the support column.

3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. The proposed subdivision would result in *two* (2) existing private approaches on the subject land becoming non-conforming private approaches under the Private Access By-law. The Developer is responsible for applying to the City for approval of the non-

conforming private approaches. The City will not release the plan of subdivision mylars to the owner for registration in the land titles office unless and until the City approves the private approaches.

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14. 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 applicant intends to rezone the property to an ""EI" Educational and Institutional District.
- The subject property is also regulated by the West Alexander & Centennial Planned Development Overlay of zoning by-law 200/2006.
- The proposed rezoning is meant to accommodate the construction of a medical clinic.
- The proposed rezoning is consistent with the West Alexander & Centennial Neighbourhood Plan as the subject lands are within an Institutional Policy Area.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the property can be rezoned to an "EI" Educational and Institutional District.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Noah Yauk
Date:	March 31, 2015
File No.	DASZ 3/15

List of Attachments:

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 3/15, LSWK COMMUNITY COMMITTEE, DATED JAN. 8, 2015

APPENDIX 'A

DATE: March 31, 2015

FILE: **DASZ 3/15**

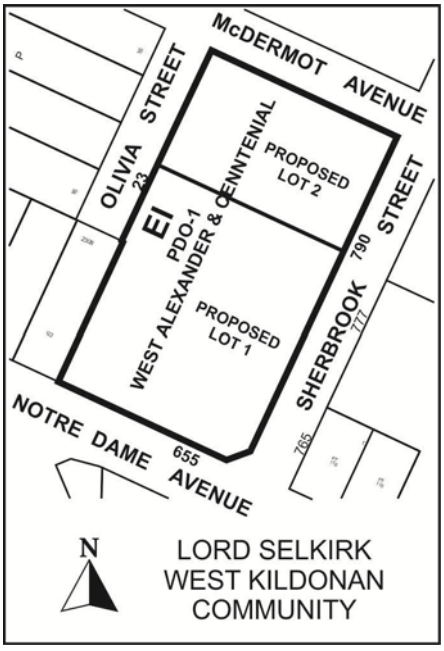
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: Leila North

SUBJECT: For consideration at the Public Hearing to rezone the subject property to an "EI" Education and Institutional District.

LOCATION: 655 Notre Dame and 790 Sherbrook Street

LEGAL DESCRIPTION: Parcels A, B, C, D, E, F, G, H, J, K AND L PLAN 31029 WLTO IN RL 5 AND 6 PARISH OF ST JOHN

LOTS 1-5 (BOTH INCLUSIVE) PLAN 212 WLTO (W DIV) EXC OUT OF SAID LOT 5 FIRSTLY: ELY 1.5 FEET AND SECONDLY: SHERBROOK STREET PLAN 27558 WLTO IN RL 5 PARISH OF ST JOHN



APPLICANT: **Arnie Cooper (Cooper Rankin Architecture)**
103 – 7 Evergreen Pl
Wpg., MB R3L 2T3

OWNER: Shell Canada Products Ltd
PO Box 100 STN Main
Cgy., AB T2P 2H5

The Manitoba Clinic Co. Ltd.
790 Sherbrook St
Wpg, MB R3A 1M3

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the property to an ""EI" Educational and Institutional District.
- The subject property is also regulated by the West Alexander & Centennial Planned Development Overlay of zoning by-law 200/2006.
- The proposed rezoning is meant to accommodate the construction of a medical clinic.
- The proposed rezoning is consistent with the West Alexander & Centennial Neighbourhood Plan as the subject lands are within an Institutional Policy Area.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

SITE DESCRIPTION

The subject property, which is currently zoned "C2" and "C3" Commercial District, is located on the southwest corner of Sherbrook St and Notre Dame Ave in the West Alexander Neighbourhood of the Point Douglas ward. The property currently includes a parkade, a gas station and the Manitoba Clinic.

Surrounding Land Use and Zoning

North: McDermot Avenue, then the rehab / respiratory hospital of the Health Sciences Centre zoned "EI" Educational Institutional District.
South: Notre Dame Avenue then a fast food restaurant zoned "C2" Commercial District.
East: Sherbrook Street, then a large surface parking lot, shoppers drug mart and an office building zoned "CMU" Commercial Mixed Use District.
West: Olivia Street, then institutional uses zoned "EI" Educational Institutional District.



Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2012)

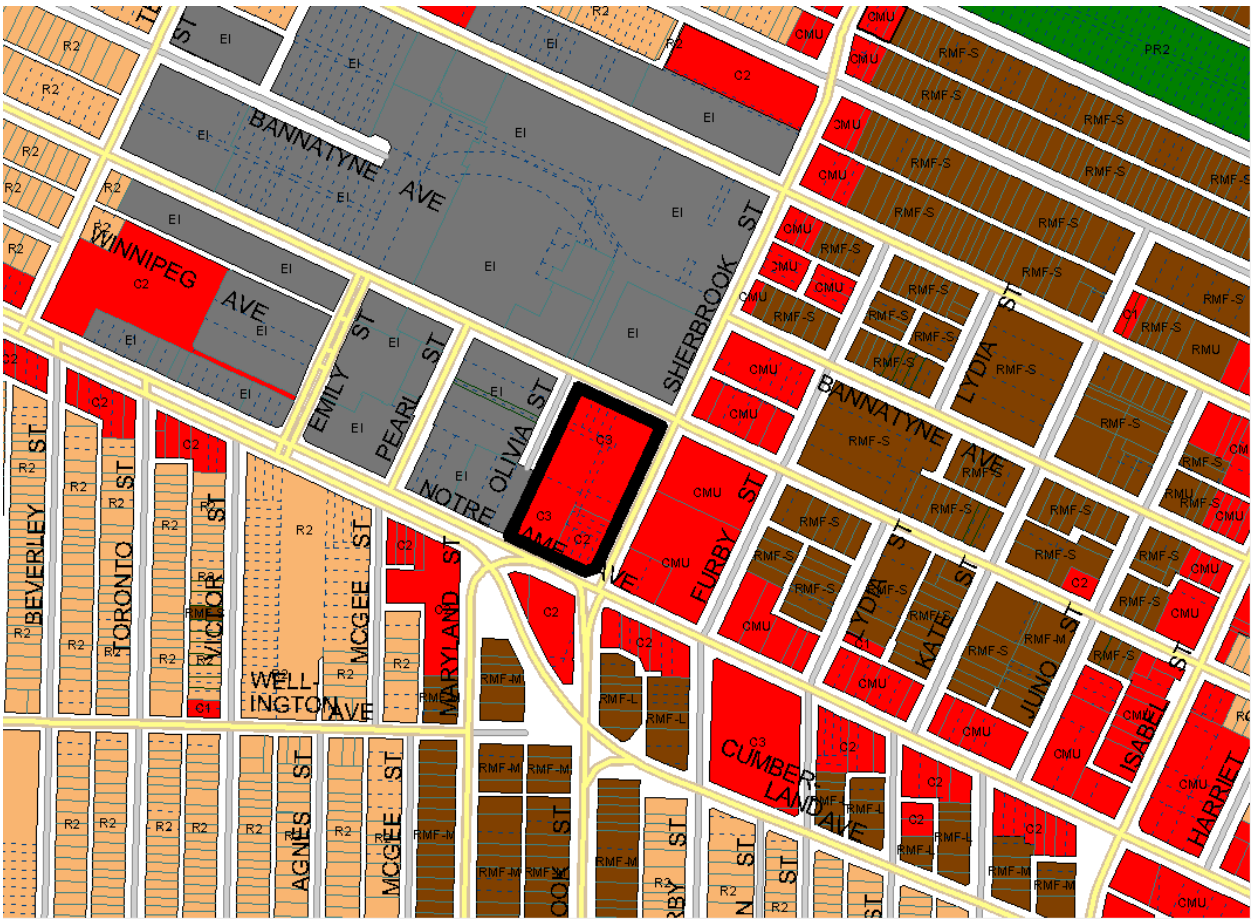


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the planned area to an “EI” Educational and Institutional District and create two separate zoning lots as shown in Schedule A.
- Currently the lands are comprised of various lots and parcels under old plans of subdivision (See page 1 of this report for long legal description). Redeveloping the lands would be difficult given the number of underlying lots and parcels and the building code implications associated with this as the building code is applied to each individual lot independently.
- The subject lands do not have a consistent zoning designation - some of the lands are zoned “C2” and other parts “C3”. Properties that are split zoned are problematic from a zoning administration perspective because the different zoning districts would apply different *development standards* and *use* considerations to different part of the same property. Through this application process, the lands will be consolidated and then subdivided into two lots with a consistent zoning district that is more suited to the proposed development, and is more consistent with City of Winnipeg planning policies including the West Alexander and Centennial Neighbourhood Plan.
- The proposed rezoning will facilitate the creation of a new Manitoba Clinic Building as well as a future building for CancerCare Manitoba

ANALYSIS AND ISSUES

The West Alexander / Centennial Secondary Plan

With respect to the proposed development, the most key policy document is the West Alexander Centennial Neighbourhood Plan, which is a Council adopted Secondary Plan. The Secondary Plan provides important land use guidance on development proposals in the West Alexander and Centennial Neighbourhoods.

It is noted that the subject property is located within the Institutional Policy Area of the plan. This Policy Area is intended to accommodate the major institutions in the West Alexander and Centennial Neighbourhoods. Within the Institutional Policy Area, the plan strives to:

- Encourage new development to be in a compact urban layout, which means a vertical, instead of a land consumptive, sprawling horizontal building form.

The policy designation of the subject lands alone makes the "EI" Educational and Institutional District a desirable zoning district. As illustrated in Figure 2, by the properties shaded in grey, most of the lands within the Institutional Policy Area of the West Alexander and Centennial Neighbourhood Plan are zoned "EI" Educational and Institutional District.

General Overview of the Institutional Element of the Plan Area

One of the unique characteristics of the West Alexander & Centennial area is the presence of a number of major medical, biotechnology, and educational institutions. These institutions are intensive, have long-term needs for expansion, represent significant economic opportunities for the future, and appear to have significant affinities to inter-relate with each other. The major institutions in the West Alexander and Centennial areas are as follows:

- Health Sciences Centre;
- University of Manitoba,
- Bannatyne Campus;
- Virology Lab;
- Red River College.
- CancerCare Manitoba;
- Manitoba Clinic

Some of the factors which distinguish institutions are:

- The form and scale of building development: Sites are intensely developed, with mixed building forms including large slab blocks and towers which contrast with nearby housing;
- The scale and intensity of activities on site: The institutions generate large flows of people and vehicles both by day and night;
- The effects of building development and activities impact on surrounding residential neighbourhoods: Vehicle parking in residential streets is a continuing problem;
- The considerable pressure for growth: new development needs to become more integrated with other community uses.

ZONING

Zoning By-Law 200/2006: Proposed Zoning District

According to Zoning By-law 200/2006:

The Educational and Institutional (EI) 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. In some cases, EI zoning may be appropriate for clustered or core facilities, while supporting facilities on non-contiguous lots remain in other zoning districts. Commercial or non-commercial uses that support the function of the facility or its population would be considered as accessory uses. Figure 3 below provides the specific land uses accommodated in the "EI" District as per Zoning By-law 200/2006.

Figure 3: Permitted and Conditional Uses of the "EI" Educational and Institutional Zoning District

Use Type	Permitted & Conditional Uses	Use Specific Standards
Dwelling, multi-family	P	67.1
Assisted Living Facility	P	
Care Home	P*	64
Dormitory	P	
Neighbourhood rehabilitation home	P*	66
Single room occupancy	P	67
Community recreation centre	P	
Jail/ detention centre	C	
Library	P	
Post office/ carrier depot	P	
Protection and emergency services	P	
Social service facility	P	
College or University	P	
Commercial School	P	
Elementary or junior high school	P*	69
Senior high school	P*	73
Boat dock, public	C	
Community gardens	P	
Park/plaza,square/playground	P	68
Day care centre	P*	70
Hospital	P	71
Place of Worship	P	72
Cultural Centre	P	76
Gallery/Museum	P	77

Figure 3: Permitted and Conditional Uses of the "EI" Educational and Institutional Zoning District		
Use Type	**Permitted & Conditional Uses**	**Use Specific Standards**
Sports or entertainment arena/ stadium, indoor	P	79
Sports or entertainment arena/ stadium, outdoor	C	
Hostel	P	
Hotel or Motel	C	
Office	P	87
Research institution		
Personal Services (unless otherwise listed)	C	89
Medical/Dental/Optical/Counselling Clinic	P	86
Bus Depot	C	
Transit Station	C	
Utility facility, minor	P*	98
Recycling collection centre	P	

COMPATIBILITY WITH EXISITNG DEVELOPMENT

The subject lands are currently developed to support the existing Institutional lands located north and west of the site. The lands currently include the Manitoba Clinic as well as a parkade. The redevelopment of the subject lands will intensify institutional development on the subject site, including the removal of the Shell gas station on site to be replaced by the newly proposed Manitoba Clinic building. The lands to the east of the subject site are within a Commercial Mixed Use Policy Area of the plan. Both of these policy areas are consistent in their focus on pedestrian oriented development at the street level. The lands south of the subject site (Notre Dame) are not within the West Alexander and Centennial Plan Area and are very auto oriented dominated by a series of intersections that facilitate the movement of significant levels of traffic including one way streets. Figure 4 (below) illustrates this context which consists of a series of intersections surrounding a Kentucky Fried Chicken restaurant. The redevelopment, which will consist of the removal of the Shell gas station and a new building up to the public sidewalk will make the context less auto oriented, at least on the north side of Notre Dame Ave.



Figure 4: Land Use on the South Side of the Planned Area

Given the existing institutional uses already developed on the subject lands and the neighbouring uses, the "EI" Education and Institutional Zoning District makes the most sense as the zoning district for the subject lands and is therefore easily supported by the Public Service.

ZONING AGREEMENT CONSIDERATIONS

The following is to provide context for the key proposed zoning agreement conditions.

Plan Approval

The purpose of plan approval is to review any proposed development on the subject lands, prior to any permits being issued, to ensure the proposed development meets the policies and intent of the West Alexander and Centennial Neighbourhood Plan. In an effort to ensure any proposed development is in accordance with the policies of the plan, the Urban Planning Division is recommending by way of a zoning agreement that the LSWK Community Committee and the Director of Planning, Property and Development must approve any plans for development prior to permits being issued. In this regard the approval of development plans will be based on compliance with the policies of the plan. A key consideration of the plan approval will focus on the interface between the proposed development and abutting right-of- ways, including the provision of pedestrian connectivity and continuity, especially within the east yard of proposed lots.

It is noted that the subject lands already contain three separate zoning agreements from past rezoning processes. Since the agreements are essentially replicas of preceding ones, the Public Service is recommending that these be discharged and replaced with a new one. This will clean up the land title by removing redundant encumbrances.

Easement to Accommodate a Future Cycling Facility on Sherbrook St

The City has a requirement to increase the width of Sherbrook Street between Notre Dame Avenue and McDermot Avenue to accommodate a 1.5 m bike lane. Taking this from the existing right of way will decrease the width of the public sidewalk. Since proposed Lot 1 will incorporate a pedestrian area along the east wall of the proposed building, a consistent building setback will be applied to the east yard of Lot 2 if and when the building is demolished. This setback will be applied through the proposed zoning agreement. The expectation is that the pedestrian area on proposed on Lot 1 will then blend into the development on Lot 2. The recommended plan approval condition will bear this contextual element in mind to ensure both lots provide a continuous pedestrian realm along Sherbrook Avenue. It is noted this requirement is consistent with the developer's submitted plans for proposed lot 1, and should be easy to incorporate into the future redevelopment on proposed lot 2.

Cross Access Agreement

The proposed subdivision application is causing a situation where existing private approaches straddle both proposed lots. In an effort to ensure there are no issues with respect to access, a condition of approval is that the developer shall enter into a cross-access easement agreement to guarantee access to each of the proposed lots from each of the approved Private Approaches serving the Planned Area.

Non-conforming Approaches

Similar to the above access considerations, the proposed subdivision creates a situation where the existing approaches become non-conforming as per the Private Access Bylaw, which stipulates that "*an approach must not exist within 3 metres of the lot line of the adjacent property*". The new lot line, which forms the northern boundary of proposed Lot 1 and the south boundary of proposed Lot 2, creates this non-conforming situation. Since the the non-conforming private approaches are subject to the approval of the Standing Policy Committee on Infrastructure Renewal and Public Works, the Developer will need to make a separate application to legitimize these existing approaches. Therefore, approval of the subdivision will be based on this requirement being met.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The zoning district is consistent with the West Alexander and Centennial Neighbourhood Plan

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk

PPD File # DASZ 3/15

SCHEDULE “A” FOR FILE NO. DASZ 3/2015, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED JANUARY 8, 2015.

