Agenda - Council - February 23, 2005

Report - Standing Policy Committee on Property and Development - February 1, 2005

Item No. 12 Rezoning - 748, 752 McDermot Avenue
File DAZ 267/2004

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2005, 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 and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 267/2004 dated December 29, 2004, 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 limiting the use of the land to the following:

        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 By-Law No. 6400
        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

Report - Standing Policy Committee on Property and Development - February 1, 2005

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 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 the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the 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 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 are hereby 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.

Report - Standing Policy Committee on Property and Development - February 1, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2005, 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 and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2005, 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 the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2005, 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: **Rezoning - 748, 752 McDermot Avenue**
File DAZ 267/2004

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **January 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 267/04 dated December 29, 2004, 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 limiting the use of the land to the following:

        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 By-Law No. 6400
        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 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 the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the 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 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 are hereby 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 agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 29, 2004.

PUBLIC HEARING SUMMARY

File: DAZ 267/2004

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

Public Hearing: January 11, 2005
Council Chamber, Council Building
510 Main Street

Applicant: University of Manitoba (Rejeanne Dupuis)

Subject:



Premises Affected: 748, 752 McDermot Avenue

Exhibits Filed:
1. Application dated December 7, 2004
2. Notification of Public Hearing dated December 13, 2004
3. Manitoba Status of Title 2050594
4. Plan (1 page)

5. Report from the Manager of Planning and Land Use dated December 29, 2004
6. Inspection Report

REPRESENTATIONS:

In Support:

Rejeanne Dupuis, University of Manitoba

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Rejeanne Dupuis, on behalf of the University of Manitoba, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated December 29, 2004.

Exhibit "5" referred to in File DAZ 267/2004

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: December 29th, 2004
File: DAZ 267/04
Related Files: N/A
Subject: Amend By-Law No. 6400/94 by rezoning the land shown below from a "R2" Residential District to a "C2" Commercial District to allow for the future development of the U of M Bannatyne Campus.

Location: 748 & 752 McDermot Ave
Legal Description: None provided.



Applicant: University of Manitoba Physical Plant
Owner: University of Manitoba

Recommendation: Approval with conditions.

Report Summary:

- Extension of U of M Bannatyne Campus
- Site of future Faculty of Pharmacy building
- Extension of existing U of M Bannatyne Campus zoning agreement onto this site is recommended

Site Description

Existing Land Use and Zoning:

The properties in question are zoned "R2" Residential, and are currently occupied by a multi-storey apartment building, which was recently purchased by the University of Manitoba. The properties in question are approximately 9,000 square feet (0.2 acres) total in size.

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 (C2)
South: Parking areas, a parking garage, and buildings owned by the Winnipeg Regional Health Authority, located on the north side of Notre Dame Ave (C2)
East: Emily Street, then Health Sciences Centre buildings (C2)
West: Vacant lots and residential buildings owned by U of M for campus development (C2), then Tecumseh St with a residential neighbourhood and a church facility (R2).

Description of the Proposed Development

The applicant, the University of Manitoba, proposes to rezone the properties in question to allow for future development of the U of M Bannatyne Campus. The U of M is planning construct the new Faculty of Pharmacy building on a portion of this site, with construction estimated to be completed in the summer of 2007.

Analysis

The proposed rezoning is in general compatible 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 "C2" 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. The Planning & Land Use Division also recommends that the existing zoning agreement for U of M Bannatyne Campus properties be extended to this site, as reflected in the conditions of approval listed below.

Plan Winnipeg Compliance:

The subject parcels fall with a designated Neighbourhood Policy Area under Plan Winnipeg which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The proposed rezoning is a natural extension of the U of M Bannatyne Campus;
- The site is within what is commonly recognized as the Health Sciences Centre / University of Manitoba Bannatyne Medical Campus;
- The proposed rezoning is compatible with the surrounding properties.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 267/04, attached hereto and dated December 29, 2004, 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:

        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.
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        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 By-Law No. 6400
        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:
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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 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 the market value of the land.

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6. That the Proper Officers of the City are hereby 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: David Marsh AICP, Planner
PPD File # 300 (.105)

Schedule "A"

By-Law No. _____

File No. **DAZ 267/04**

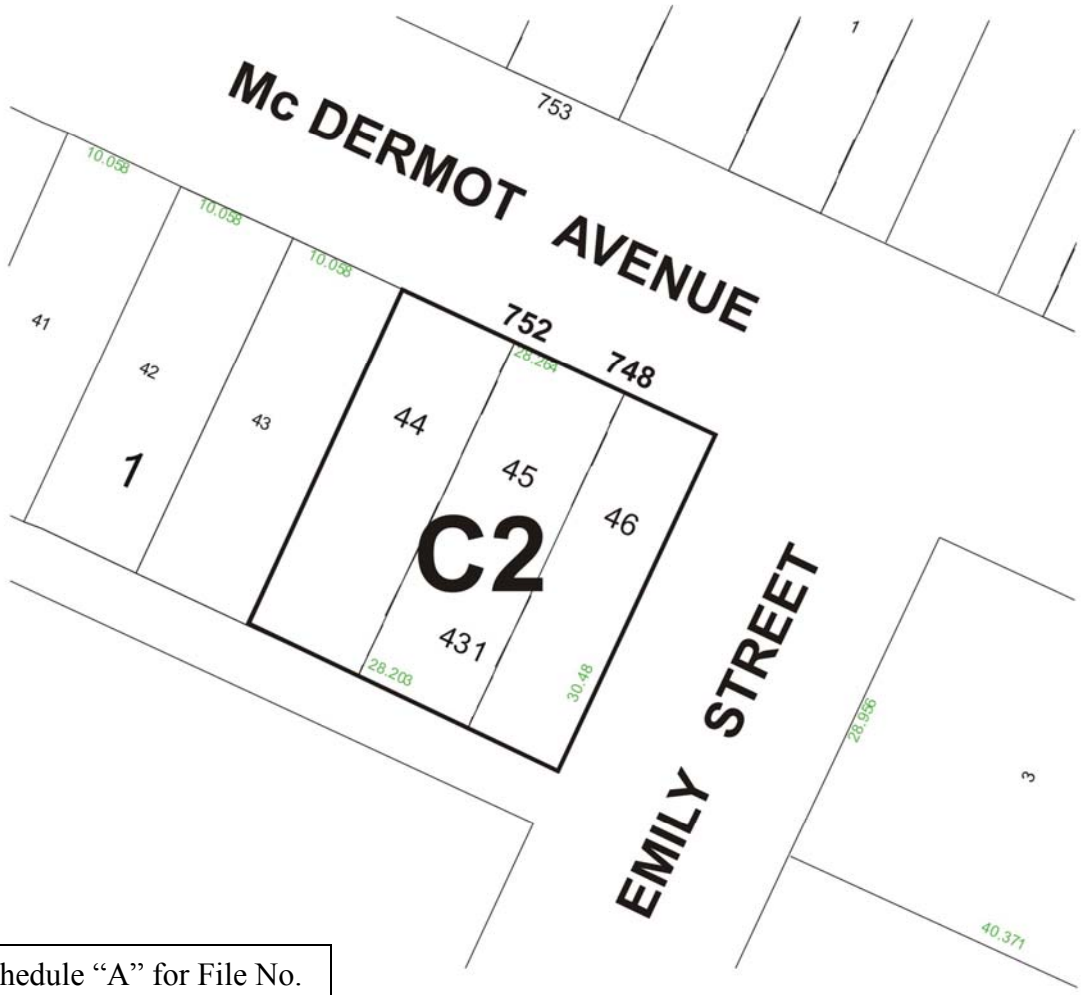
Atlas Sheet No. **Y23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 748, 752 McDermot Avenue from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 267/04, LS/WK Community, dated December 29th, 2004

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

6164