Minutes - Executive Policy Committee – October 19, 2005

Minute No. 632
Report - Standing Policy Committee on Property and Development – October 4, 2005

Item No. 16 Subdivision and Rezoning - 1285 St. James Street
File DASZ 31/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia 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 DASZ 31/2005 dated September 6, 2005, 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. That for the development of any building, accessory parking area or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Director of Planning, Property and Development 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 all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container.

        iii. That the following signs are prohibited on the "C2" Commercial District land:

            a. Free-standing signs in excess of thirty-five (35) feet in height.

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b. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

c. Flashing or scintillating signs.

iv. That a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 20, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation 1.A.i. be amended by deleting the words "Assiniboia Community Committee" and replaced with the words "Director of Planning, Property and Development",

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 1285 St. James Street**
File DASZ 31/2005

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

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **September 22, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 20, 2005, the Assiniboia Community Committee concurred in the administrative recommendation, as amended, 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 DASZ 231/2005, dated September 6, 2005, 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. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the ~~***Assiniboia Community Committee***~~ ***Director of Planning, Property and Development*** 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 all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container;

        iii. That the following signs are prohibited on the "C2" Commercial District land:

            a. Free-standing signs in excess of thirty-five (35) feet in height;

            b. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the

site for a period of thirty (30) days in association with an official opening event;

c. Flashing or scintillating signs;

iv. That a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated September 6, 2005.

PUBLIC HEARING SUMMARY

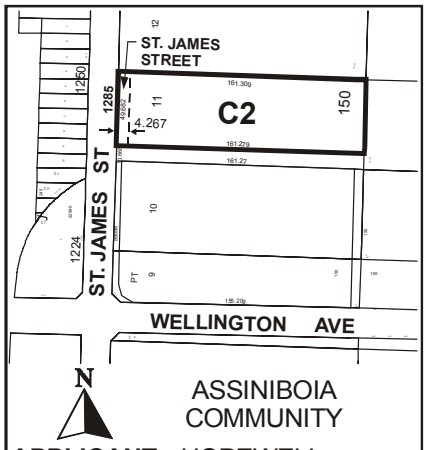
File: DASZ 31/2005

Before: Assiniboia Community Committee
Councillor Eadie, Chairperson
Councillor Clement
Councillor De Smedt

Public Hearing: September 20, 2005
Community Committee Chamber
5006 Roblin Boulevard

Applicant: Hopewell Developments Inc. (Patrick Hamilton)

Subject:



APPLICANT : HOPEWELL DEVELOPMENTS INC.
FILE : DASZ 31/05
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. 6400/94 by rezoning the land shown outlined above from an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. R. Humble, Planner at 986-2688.**

Premises Affected: 1285 St. James Street

Exhibits Filed:
1. Application dated June 28, 2005
2. Notification of Public Hearing dated July 20, 2005
3. Manitoba Status of Title 1912590

4. Surveyor's Staking Certificate and sketch
5. Letter of authorization dated June 5, 2005 from Maple Leaf Construction (1978) Ltd. to Stevenson Advisors Ltd., representing Hopewell Developments Inc.
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated September 6, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Patrick Hamilton, Hopewell Developments Inc.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. R. Humble, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Patrick Hamilton, Hopewell Developments Inc., appeared in support of the application and gave a brief overview on the proposal. Mr. Hamilton stated concurrence in the administrative recommendation, and requested that Committee delegate the authority of the plan approval to the Director of Planning, Property and Development.

Exhibit "7" referred to in File DASZ 31005

Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date:	**September 6, 2005**
File:	**DASZ 31/05**
Related Files:	**N/A**
Subject:	**Application to rezone land from an "M3" Industrial District to a "C2" Commercial District.**
Location:	**1285 St. James Street**



Applicant:	**Hopewell Developments Inc.**
Owner:	**Maple Leaf Construction Ltd.**
Recommendation:	**Approval with conditions.**

Site Description

The subject property is located on the east side of St. James Street, between Wellington Avenue to the south and Saskatchewan Avenue to the north, in the St. James Industrial neighbourhood of the St. James Ward. On the contiguous property to the north of the subject site is the Costco development. The 1.98 acre subject property is vacant and is zoned "M3" Industrial District, the intent of which is to allow for heavy industrial development of a potentially noxious nature. Prior to the site being vacant, it was used as an outside storage compound.

Directly to the south of the subject site, at the northeast corner of St. James Street and Wellington Avenue (1515 Wellington Ave.) is a property that was also recently rezoned (DAZ 202/05) from "M3" Industrial to "C2" Commercial for the establishment of two future commercial uses.

Surrounding Land Use

North: Costco (zoned "M3" Industrial District)
South: Future Commercial buildings (re-zoned to "C2" Commercial in April, 2005)
East: CP Railway Line, then industrial building (Westroc Industries - zoned "M3" Industrial District), followed by Empress Street
West: St. James Street, followed by light manufacturing uses (zoned "M2" Industrial District)



Figure 1: 2002 Air Photo of Subject Site

Existing Zoning:

It is noted that under the current "M3" zoning classification, general retail uses are not permitted. However, in the proposed "C2" Commercial District, a broader range of retail sales are permitted.

Proposed Development

The applicant, Hopewell Developments Ltd., is proposing to rezone the property from "M3" Industrial District to "C2" Commercial District for the purpose of constructing a 27,500 square foot commercial building, accessory surface parking consisting of 110 stalls and two loading docks. Although the applicant has not indicated what commercial tenants will occupy the proposed building, the proposed building is designed for two large retail formats. With the subject property being approximately 1.98 acres, the overall site coverage translates to 32%. The proposed site coverage is almost identical to that being proposed on the property to the south at 1515 Wellington Crescent.

The applicant, in conjunction with the proposed rezoning application, has submitted a site plan and concept elevations. The site plan shows a 27,500 square foot commercial building that is set back from St. James Street by approximately 300 feet and situated on the east side of the site.

The building is set back from the east property line by 30 feet to accommodate easements (sewer and hydro) and to satisfy the minimum 25 foot rear yard setback. Surface parking and maneuvering aisles are located between the building and street. Loading docks are being proposed on each side of the front (west) portion of the building. The concept elevations indicate a one-storey building with two entrances along the west (front) elevation. No details have been provided regarding building materials.

Analysis

Plan Winnipeg
Plan Winnipeg was recently amended to identify the Polo Park Area, including the subject site, as an Area of Regional Commercial Concentration and to redesignate these lands from an Industrial Policy Area to a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses. Thus, the proposed rezoning to "C2" Commercial District is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The immediate area has experienced a significant amount of commercial development over the past decade. The trend in development for this area continues to be commercial in nature and as a result of the redesignation of these lands to a Neighbourhood Policy Area, the transition of remaining industrial parcels to commercial uses has been facilitated. Subsequently, the proposed "C2" rezoning is compatible with the emerging commercial context of the surrounding area.

Urban Image Route
The Image Route Enhancement Strategy, adopted in principle by Council in 1991, highlights six 'primary image routes', '*most frequently used by visitors and tourists to the city as well as residents in directly accessing downtown*'. (Council Minutes – May 29, 1991.) The principle purpose of the Image Route Enhancement Study was to develop viable concepts and strategies for improving the visual appearance of these major routes.

St. James is designated in the Strategy as an Image Route and the St.James/Wellington intersection is classified as a "special interest area" requiring image protection and enhancement. In that vein, policies aimed at promoting a higher standard of site development at this intersection were introduced.

The policies which apply to the subject site are as follows:

1) Commercial and Industrial properties at this intersection (Wellington and St. James) should be strongly encouraged to undertake building and signage improvements and landscape screening of parking areas and other distractions.
2) Signage should be minimized along image routes. The applicant is encouraged to consolidate signage but in no instance, should more than two freestanding signs be permitted on the site, one per street frontage.
3) Mobile signs shall be prohibited along all image routes

It should be noted that Plan Winnipeg 2020 identifies several policy statements regarding these image routes in Section 5E 'Creating a Beautiful City'. Section 5E-02 'Designate and Enhance Image Routes and Scenic Drives' further supports the enhancement strategy.

Site Plan

Landscaping
Based on the visibility of the site and St. James Street's importance as an Urban Image Route, the Planning and Land Use Division is recommending an increased standard of landscaping on the site. While the current plan has been modified to provide larger setbacks and more landscaping, the Planning and Land Use Division feels that additional landscaping in several key locations will provide added benefit. These recommendations are consistent with what was required of 1515 Wellington Avenue and the Real Canadian Superstore on St. James Street (one block to the south), which had a rezoning and development proposal approved recently by this Community Committee.

St. James Street:
- Provide a planting area between the two approaches, along the front property line.

On-Site
- Explore the option to provide a pedestrian linkage to the site from the west limit of the site leading from St. James Street to the future CRU storefront.
- Install landscape islands in front of the store and to define the drive aisles. Similar to what was required at the Superstore, the end islands could include ornamental or shade trees.

Signage
As mentioned above, the Image Route Enhancement Strategy states that businesses are encouraged to consolidate signage but in no instance, should more than two freestanding signs be permitted on the site, one per street frontage. With this in mind, conditions have been added which limit the overall height, size, and number of freestanding signs permitted.

In addition, a condition has been added prohibiting all mobile signage on the site, with the exception of grand opening signage, as recommended in the Image Route Enhancement Study.

Traffic and off-site improvements
In order to accommodate the increased traffic volumes from the proposed development, the street improvements being recommended by the Public Works department include the following:

- Provision of land for a 14 foot strip of land along the entire west limit of the site to accommodate the future widening of St. James Street.

Building layout and orientation
In light of the fact that the current plans are not final and subject to change, the Planning and Land Use Division is recommending that final plans be brought back to this committee for approval prior to the issuance of any building or development permits.

Recommendation

The Planning and Land Use Division recommend approval.

- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The subject site falls within a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DASZ 231/05, attached hereto and dated, September 6, 2005, 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:

1) That, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Assiniboia 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;

2) That all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container;

3) That, the following signs are prohibited on the "C2" land:
   i. Free-standing signs in excess of thirty-five (35) feet in height;
   ii. Advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event;
   iii. Flashing or scintillating signs;

4) That, a maximum of two (2) free standing pylon signs shall be permitted on the subject property.

II. That a ten (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 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.

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 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.

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

Report Prepared by: Randy Humble, Senior Planner
PPD File # DASZ 231/05

Schedule "A"

By-Law No. _____

File No. **DASZ 31/05**

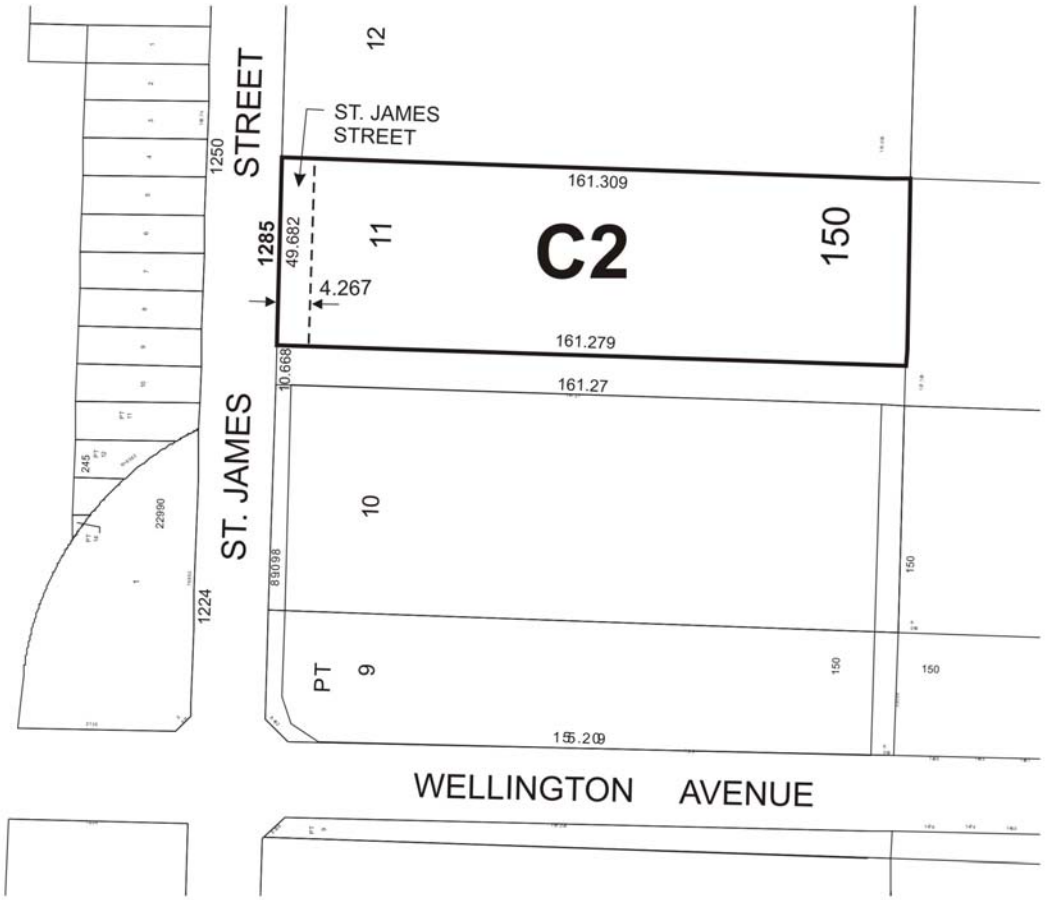
Atlas Sheet No.

N

Y20 ASSINIBOIA COMMUNITY

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 1285 St James from an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report of the Assiniboia Community Committee for File No. DASZ 231/05, dated September 6, 2005.