Agenda – Council – September 22, 2010

Report – Executive Policy Committee – September 8, 2010

Item No. 3 Rezoning – Sterling Lyon Parkway, west of Kenaston Boulevard (Charleswood-Tuxedo Ward)
File DAZ 212/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 8, 2010, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2010 dated May 27, 2010 to a "C4" Commercial Regional District.

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

5. That the zoning section of the by-law comes into force for each lot when:

    A. The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased other than to the IKEA Developer Joint Venture; or May 27, 2019, whichever comes first.

6. 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.

Report – Executive Policy Committee – September 8, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 8, 2010, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the Assiniboia 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: **Rezoning – Sterling Lyon Parkway, west of Kenaston Boulevard**
File DAZ 212/2010

For submission to: **Executive Policy Committee**

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **July 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2010 dated May 27, 2010 to a "C4" Commercial Regional District.

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

5. That the zoning section of the by-law comes into force for each lot when:

    A. The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased other than to the IKEA Developer Joint Venture; or May 27, 2019, whichever comes first.

6. 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 Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. The proposed plan makes logical sense in terms of the development of the whole site.

2. The proposed development is representative of what the community wants and the community is supportive.

PUBLIC HEARING SUMMARY

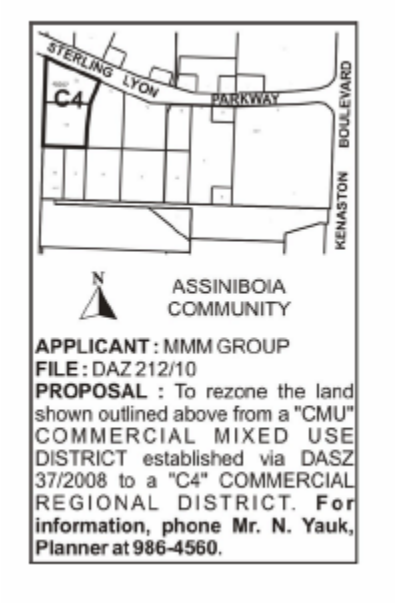
File: DAZ 212/2010

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding

Public Hearing: July 13, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: MMM Group
(Veronica Hicks)

Subject:



Premises Affected: Sterling Lyon Parkway, west of Kenaston Boulevard

Exhibits Filed:

1. Application dated May 14, 2010
2. Notification of Public Hearing dated May 20, 2010
3. Manitoba Status of Title 2408685
4. Letter of authorization dated (undated) from Tuxedo Yards Development Corp to MMM Group
5. Plans (4 pages)
6. Report from the Planning and Land Use Division dated July 5, 2010
7. Inspection Report

8. Plans (4 pages), submitted by Paul McNeil, MMM Group, at the public hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Paul McNeill, MMM Group

In Opposition:

Nil

For Information:

Nil

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 212/2010

ADMINISTRATIVE REPORT

Title: DAZ 212/10 – 977 Kenaston BLVD – Public Hearing

Critical Path: Assiniboia Centre Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	NA	NA	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2010 dated May 27, 2010 to a "C4" Commercial Regional District.

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Acting City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

5. That the zoning section of the by-law comes into force for each lot when:

   A. The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased other than to the IKEA Developer Joint Venture; or May 27, 2019, whichever comes first.

6. That the Acting 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.

REASON FOR THE REPORT

The applicant has requested to rezone the subject property from “CMU” to “C4” to provide greater flexibility for commercial uses. This Report is being submitted for the Assiniboia Community Committee’s consideration of the rezoning of which the Planning and Land Use Division is recommending approval of.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations in this report are implemented, a development permit can be issued for the redevelopment of the subject land, subject to the recommended conditions of approval.

HISTORY

On March 18, 2009 a Public Hearing at the Executive Policy Committee was held to consider a Plan Winnipeg amendment (By-law 2/2009), an application for Subdivision and Rezoning (DASZ 37/2008), variances for the establishment of lots not abutting a public street (DAV 08-157053/D) and a Street Closing (DAC 1/2009).

On May 27, 2009 Council passed By-law No. 2/2009 to amend *Plan Winnipeg 2020 Vision By-law No. 7630/2000* at the SW & NW quadrants of Sterling Lyon and Kenaston by:

A. Re-designating lands identified on Schedule “A” from Industrial Policy Area to Neighbourhood Policy Area, and;

B. Creating an Area of Regional Commercial and Mixed-Use Concentration, as identified on Schedule “A’”.

On May 27, 2009 Council passed By-law No. 81/2009 to amend Winnipeg Zoning By-law No. 200/2006 for rezoning of land located the southwest and northwest quadrants of Sterling Lyon Parkway and Kenaston Boulevard in the Assiniboia Community to CMU and C4, and providing that the rezoning comes into force for each lot at the SW & NW quadrants of Sterling Lyon and Kenaston when:

(a) the plan of subdivision is registered in the Winnipeg Land Titles Office; and
(b) Zoning Agreement DASZ 37/2008 is registered in the Winnipeg Land Titles Office by caveat against the subject lands; and
(c) The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased other than to the IKEA Developer Joint Venture; or ten (10) years from the date this By-law is passed, whichever comes first.

On May 5, 2009 The Standing Policy Committee on Property and Development denied an appeal and concurred in the decision of the Executive Policy Committee to approve Variance DAV 08-157053/D as follow:

3. That the dimensional standards of the proposed "C4" Commercial Regional District and "CMU" Commercial Mixed Use District of The Winnipeg Zoning By-law No. 200/2006 are varied on "the land" for the establishment of proposed Lot 3, Block 1, Lots 6 to 11, Block 1; Lots 2 to 3, Block 3; and Lots 5 to 7, Block 3; which do not abut upon a public street;

subject to the following condition, which the Executive Policy Committee considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1. That the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/2008.

CONSULTATION

In preparing this Report there was consultation with:

Legal Services

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Noah Yauk
Date	July 5, 2009
File	DAZ 212/2010

List of Schedules and Attachments

1. Attachment 1 – Planning Discussion
2. Schedule "A" for File No. DAZ 212/2010, Assiniboia Community Committee, dated May 27, 2010

Attachment 1 – Planning Discussion

DATE	July 5, 2010
FILE	DAZ 212/2010
RELATED FILES	DASSF 555/ 08; DASZ 37/08; DAV 08-157053/D; PW 2/08; DAV 09-164750/D
COMMUNITY	Assiniboia Community
NEIGHBOURHOOD	2.668
SUBJECT	Rezoning to facilitate commercial development
LOCATION:	977 Kenaston BLVD
LEGAL DESCRIPTION:	LOT 11, 12 PLAN 49257
APPLICANT:	Veronica Hicks MMM Group 93 LOMBARD AVE SUITE 111 WINNIPEG MB R3B 3B1
OWNER:	TUXEDO YARDS DEVELOPMENT CORP. 2727 PORTAGE AVE UNIT 200 WINNIPEG MB R3J 0R2



RECOMMENDATION Approve with conditions

REPORT SUMMARY

- This is a minor housekeeping matter to accommodate shifts in the location of proposed land uses based on a more fully developed site plan.

- The rezoning does not affect the scale/ intensity of the 198 acre development which projects 1.5 million square feet of retail/commercial space, a 500 unit multi-residential condominium complex, a movie theatre, a 100 room hotel, and a 150,000 square foot office park.
- The subject site area was originally rezoned to CMU in order to accommodate multi-family residential development, which was contemplated at this location. The developer has since determined that the multi-family housing component of the project will be placed elsewhere on the site. As a result, the developer intends instead to provide opportunities for C4 type uses here.
- 10.1 acres of CMU lands will be rezoned to C4.

SITE DESCRIPTION

North: across Sterling Lyon Parkway, are underused and vacant lands zoned C4 under DASZ 37/2008 as part of the Seasons of Tuxedo Development.

South: across CNR's industrial spur, Lehigh Inland Cement zoned 'M3 - Manufacturing Heavy District and Fort Whyte Alive, +170 acres of lands zoned 'A';

East: existing 'C4' lands zoned under DASZ 37/2008 as part of the Seasons of Tuxedo Development.

West: Fort Whyte Alive, +170 acres of lands zoned 'A';

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Under DASZ 37/2008, the majority of the planned area was zoned C4, except for the 16.3 acres of lands zoned CMU, which were intended for mixed use opportunities and more specifically for residential land uses;
- More fully developed site plans, with exact building locations and associated land-uses, has shifted the location of the residential component of the development and therefore the need for the CMU zoning district at this location.
- **10.1 acres** of lands zoned CMU under DASZ 37/2008 will be rezoned to C4 in the southwest corner of the Planned Area. This includes the lots legally described as Lot 11 and Lot 12, Plan 49257
- The residential component Residential will instead be located on Lots 8 and 9;
- The subject rezoning of Lots 11 and 12 to C4 will provide more flexibility for large format commercial uses.
- The subject rezoning is seen as appropriate given that the lands are already designated as an Area of Commercial Concentration in Plan Winnipeg and is also proposed as a Regional Mixed Use Centre in the Complete Communities Draft paper released publicly on May 25, 2010.

ANALYSIS AND ISSUES

ZONING

- **C4 Commercial Regional District** is intended to accommodate the development of large-scale, distinctive and attractive regional centres containing a mix of concentrated land uses.

    - These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.
    - The centre should provide commercial, office, institutional and residential uses and structures at higher intensities than surrounding areas.
    - The area may also contain concentrations of medium to high density office development, as well as a broad mix of complementary uses, which may include major civic and public facilities and parks.
    - The district may contain multi-family housing, and development should facilitate and encourage pedestrian travel between residential and non-residential uses.
    - These areas are generally associated with the Areas of Regional Commercial and Mixed Use Concentration identified in Plan Winnipeg.
    - There is a front yard requirement of 25 feet.
    - There is a rear yard requirement of 25 feet.
    - The maximum building height is 60 feet.
    - Residential uses are not allowed.

- **CMU Commercial Mixed Use District** is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations.
    - The CMU district is intended for use along selected corridors and at important nodes in the city.
    - The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large.
    - Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and non-residential uses.
    - There is no front or side yard requirement and maximum building height is 60 feet.
    - Multi-family residential structures in the CMU district must meet the requirements of the RMF-M zone.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The developer will NOT be providing land or ‘cash in lieu’ as payment has been made under the previous DASZ application.

RECOMMENDATION

- The Planning and Land Use Division recommends approval because, subject to the conditions stated in the section of this report titled “Recommendations,” the proposed development and associated rezoning is compatible with the neighbourhood;

- The Servicing Agreement (AG 37/08) established under DASZ 36/2009 will still be relevant. The agreement will not need to be updated given that there is no change in the configuration of lots established at that time..

- This is a minor housekeeping matter to accommodate a shift in the location of land uses originally proposed on the site as based on more fully developed site plans.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DAZ 212/2010 dated May 27, 2010 to a “C4” Commercial Regional District.

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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6. That the Acting 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.

Schedule “A” for File No. DAZ 212/10, Assiniboia Community Committee, dated May 27, 2010.

By-Law No. _____

File No. **DAZ 212/10**

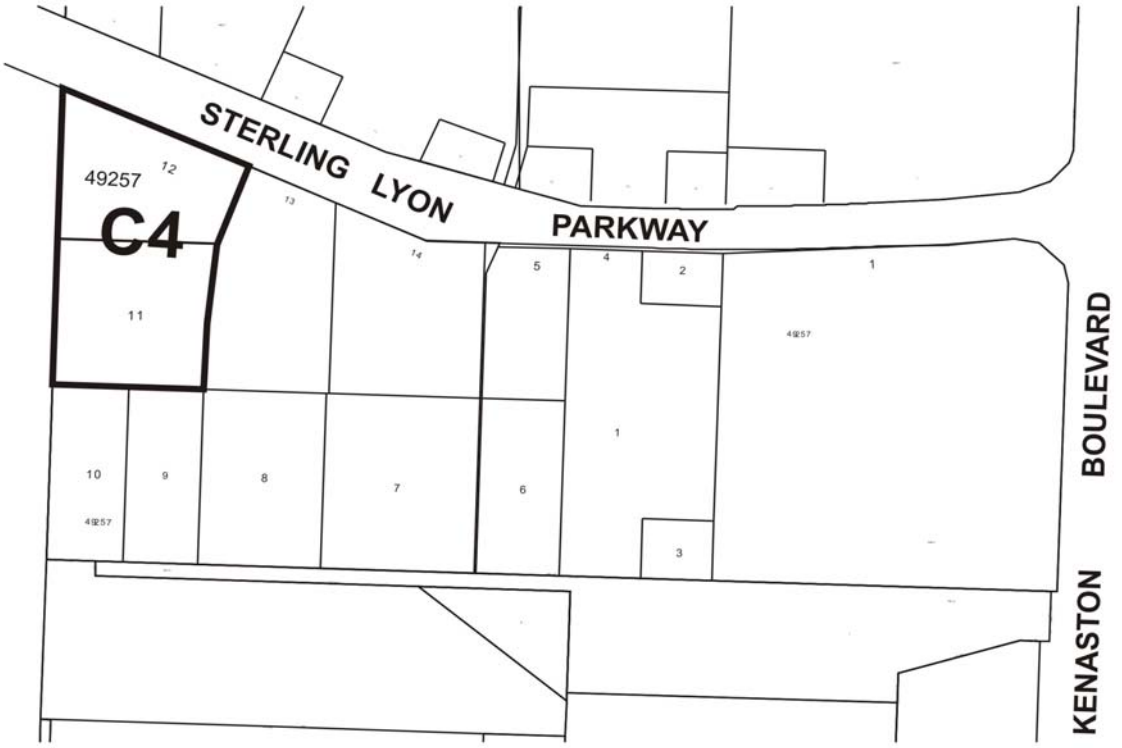
Atlas Sheet No.

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COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on the south side of Sterling Lyon Parkway, west of Kenaston Boulevard from a "CMU" COMMERCIAL MIXED USE DISTRICT established via DASZ 37/2008 to a "C4" COMMERCIAL REGIONAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Existing Land-Uses for subject property and Surrounding Area.