Agenda - Council – January 26, 2011

Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 5 Subdivision and Rezoning – 90 Lexington Park – DASZ 21/2010 (North Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 21/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2010 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Addendum to Servicing Agreement AG 21/10 with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010, with the following amendment, namely:

        i.. Delete Condition 1. in its entirety and replace with the following.

            1. That any transportation infrastructure improvement requirements as determined by the Director of Public Works in association with a Building Permit on Parcel A, shall be constructed to the satisfaction of, the Director of Public Works.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2010 dated December 1, 2010, to C2 Commercial Community District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of The City of Winnipeg Charter to include the following conditions:

Report - Standing Policy Committee on Property and Development – January 11, 2011

i. That for the development of any building, and/or accessory parking area and/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 and the East Kildonan–Transcona 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property;

iii. That a minimum 3.048 metre (10 feet) landscaped setback shall be established along Gateway Road;

iv. That the developer shall erect two, 4 feet by 8 feet signs on the vacant land indicating the location and zoning of the development; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for approval by June 30, 2011; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either further rezoned or building permits issued;

v. 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 caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via Parcel B and C, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

vi. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

vii. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the Winnipeg Fire Paramedic Service;

viii. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service;

ix. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

x. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of Winnipeg Fire Paramedic Service;

xi. That a Traffic Impact Analysis shall be submitted to the Director of Public Works for approval prior to the issuance of a Building Permit on Parcel A;

3. 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 market value of the land and the creation of additional lots under proposed plan of subdivision DASZ 21/2010 be waived until 2015; and the payment shall be based on the assessed values calculated in the year of the payment.

4. That Caveat No. 2229705 (Zoning Agreement DAZ 222/96) be withdrawn as it affects Parcel A under proposed plan of subdivision DASZ 21/2010.

Report - Standing Policy Committee on Property and Development – January 11, 2011

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. 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.

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

Report - Standing Policy Committee on Property and Development – January 11, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 11, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments, namely:

- Delete Recommendation 1.A.i. in its entirety and replace with the following:

  "i.. Delete Condition 1. in its entirety and replace with the following.

  1. That any transportation infrastructure improvement requirements as determined by the Director of Public Works in association with a Building Permit on Parcel A, shall be constructed to the satisfaction of, the Director of Public Works."

- Add the following Recommendation:

  "2.A.xi. That a Traffic Impact Analysis shall be submitted to the Director of Public Works for approval prior to the issuance of a Building Permit on Parcel A;"

- Delete Recommendation 3. in its entirety and replace with the following:

  "3. 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 market value of the land and the creation of additional lots under proposed plan of subdivision DASZ 21/2010 be waived until 2015; and the payment shall be based on the assessed values calculated in the year of the payment."

- Delete Recommendation 4. in its entirety and replace with the following:

Report - Standing Policy Committee on Property and Development – January 11, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

> "4. That Caveat No. 2229705 (Zoning Agreement DAZ 222/96) be withdrawn as it affects Parcel A under proposed plan of subdivision DASZ 21/2010."

and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Amend Recommendation 1.A. by adding the following after "November 24, 2010"

  ", with the following amendment, namely:

  i.. Delete Condition 1. in its entirety and renumber the remaining Conditions accordingly."

- Amend Recommendation 3. by deleting "ten percent (10%)" and replacing it with "nine percent (9%)"

and forwarded the matter to the Standing Policy Committee on Property and Development.

On November 16, 2010, the East Kildonan-Transcona Community Committee did not hear any representation on the application, concurred in the recommendation of the Winnipeg Public Service and further adjourned the public hearing to its meeting on December 7, 2010, at 6:30 p.m. at The Royal Canadian Legion, Transcona Branch, 117 Regent Avenue East.

On September 28, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service adjourned the public hearing to its meeting on November 16, 2010, at 6:30 p.m. at the Bronx Park Community Centre, 720 Henderson Highway

RE: **Subdivision and Rezoning – 90 Lexington Park**
File DASZ 21/2010

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **December 8, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 21/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2010 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 21/10 with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010***, with the following amendment, namely:***

        i.. Delete Condition 1. in its entirety and renumber the remaining Conditions accordingly.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2010 dated December 1, 2010, to C2 Commercial Community District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 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 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 and the East Kildonan–Transcona 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property;

iii. That a minimum 3.048 metre (10 feet) landscaped setback shall be established along Gateway Road;

iv. That the developer shall erect two, 4 feet by 8 feet signs on the vacant land indicating the location and zoning of the development; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for approval by June 30, 2011; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either further rezoned or building permits issued;

v. 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 caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via Parcel B and C, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

vi. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

vii. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the Winnipeg Fire Paramedic Service;

viii. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour

of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service;

ix. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

x. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of Winnipeg Fire Paramedic Service;

3. That a ~~***ten percent (10%)***~~ ***nine percent (9%)*** 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 market value of the land and the creation of additional lots.

4. That Caveat 2229705 be withdrawn as it affects Parcel A under proposed plan of subdivision DASZ 21/2010.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. 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.

12. That the Director of Legal Services and City Solicitor be requested to do all thing 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 East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. There is s a desire and a need for additional commercial development in North Kildonan.

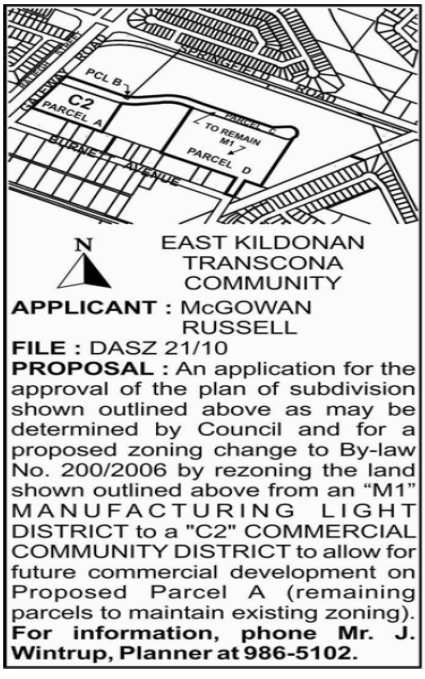
2. Plan Winnipeg Identifies these lands as an area for major redevelopment.

3. Changing the lands from industrial to commercial or mixed use is consistent with Our Winnipeg.

4. This is a very positive advancement of the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DASZ 21/2010
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	December 7, 2010 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East November 16, 2010 Bronx Park Community Centre 720 Henderson Highway September 28, 2010 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East
Applicant:	McGowan Russell Group Inc. (Susan Russell)
Subject:	



Premises Affected: 90 Lexington Park

Exhibits Filed:

1. Application dated July 30, 2010
2. Notification of Public Hearing dated August 16, 2010
3. Manitoba Status of Titles 2251406, 2426232 and 2426291
4a. Letter of authorization dated July 13, 2010 from Palliser Furniture (Canada) Corporation and Lexington Real Estate Holdings Ltd. to McGowan Russell Group Inc.
4b. Letter of authorization dated September 16, 2010 from The Mennonite Brethren Church of Manitoba to Palliser Furniture (Canada) Corporation and McGowan Russell Group Inc.
5a. Caveat 2229705
5b. Caveat 2229706
5c. Caveat No. 1040510
6a. Surveyor's Building Location Certificate and sketch dated September 1, 2005
6b. Surveyor's Building Location Certificate and sketch dated August 24, 2010
7. Plan Sheet
8. Report from the Planning and Land Use Division dated September 21, 2010
9. Inspection Report
10. Audio Recording of representations of public hearing held on September 28, 2010
11. Notice of Adjournment dated October 15, 2010
12. Audio Recording of representations of public hearing held on November 16, 2010
13. Notice of Adjournment dated November 18, 2010
14. Report from the Planning and Land Use Division dated December 1, 2010
15. Audio Recording of representations of public hearing held on December 7, 2010

REPRESENTATIONS:

In Support:

Diane Dawiskiba
Art Defehr
Robert Kurylko
Susan Russell, McGowan Russell Design Group Inc.

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "14" referred to in File DASZ 21/2010

ADMINISTRATIVE REPORT

Title: DASZ 21/2010 – 90 Lexington Park

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow for future commercial development

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan			

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 21/10 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/10 dated December 1, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Addendum to Servicing Agreement AG 21/10 with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 24, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/10 dated December 1, 2010, to C2 Commercial Community District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 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 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 and the East Kildonan – Transcona 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property;

iii. That a minimum 3.048 metre (10 feet) landscaped setback shall be established along Gateway Road;

iv. That the developer shall erect two, 4 feet by 8 feet signs on the vacant land indicating the location and zoning of the development; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for approval by June 30, 2011; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either further rezoned or building permits issued;

v. 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 caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via Parcel B and C, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

vi. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

vii. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

viii. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of

the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

ix. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

x. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

3. 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 market value of the land and the creation of additional lots.

4. That Caveat 2229705 be withdrawn as it affects Parcel A under proposed plan of subdivision DASZ 21/10.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. 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.

12. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The applicant intends to create four (4) parcels out of 20.88 acres of land and rezone 5.04 acres (Parcel A) to **C2 Commercial Community District** on the east side of Gateway Road, south of Springfield Road to allow for future commercial development.
- Two parcels (Parcels B and C) will remain as **M1 Manufacturing Light District** for the purposes of maintaining the existing private road allowance.
- Parcel D (12.11 acres) will remain **M1 Manufacturing Light District** for the purposes of maintaining the two-storey Palliser Furniture Building.
- A Traffic Impact Study is required to determine the transportation improvements necessary to accommodate the proposed development, which will formulate the conditions of approval to be recommended.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, 5.04 acres of commercially zoned land will be created along the east side of Gateway Road.

HISTORY

The site was originally a part of the Canadian Pacific Railway property lying east of the Red River and was purchased by Palliser Furniture from the CPR in 1988. At that time the lands were designated as “Industrial Area” in Plan Winnipeg; consistent with CPR ownership and their contiguity with the McLeod Industrial Area to the south.

In 1989, Palliser submitted a development proposal (Lexington Village) to the City for approval, consisting of a mix of commercial and residential development. A Plan Winnipeg Amendment to designate the lands as a “Neighbourhood” area was submitted concurrently with the residential/commercial rezoning application. The development plan designation was subsequently amended, to permit residential/commercial uses, in January, 1989. However due to changing housing market conditions the development was not proceeded with and the rezoning of the lands to residential and commercial designations was not completed. The site remained zoned “M2” Industrial.

As a consequence of the Plan Winnipeg Amendment to “Neighbourhood” receiving approval in 1989, but the Developer not proceeding with the rezoning, the then “M2” zone was not consistent with the Plan Winnipeg designation. Palliser subsequently filed a new Plan Winnipeg

Amendment (PW 4/96), to have the lands re-designated as an “Industrial Area”, which was completed in March, 1997 provided that a concurrent rezoning application be made to change the zoning to an industrial land-use category with a higher development standard. Subsequently, in 1997 DAZ 222/96 was approved for rezoning 54.6 acres (22.1 ha) from “M2” General Industrial District to an “M1-B” Light Industrial District under Zoning By-law 6400/94 as this latter zone required all operations to be completely contained within an enclosed building and subject to “Building Design Board’ approval. A Zoning Agreement was attached to the property that restricts land-uses, building heights, setback, ingress/egress, and plan approval at the Community Committee.

At the time of the application, the applicant indicated that, subject to developer interest, they may use the most westerly 170 metres (557.7 feet) in depth of the lands for a retail shopping centre development. However, the Zoning Agreement restricts the size the commercial space, and the subsequent transformation of the zoning category from “M1-B” to M1 Manufacturing Light District on March 1, 2008 under the new Zoning By-law 200/06 further restricts the commercial land-uses.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*December 1, 2010*
File No.	*DASZ 21/10*

List of Schedules and Attachments

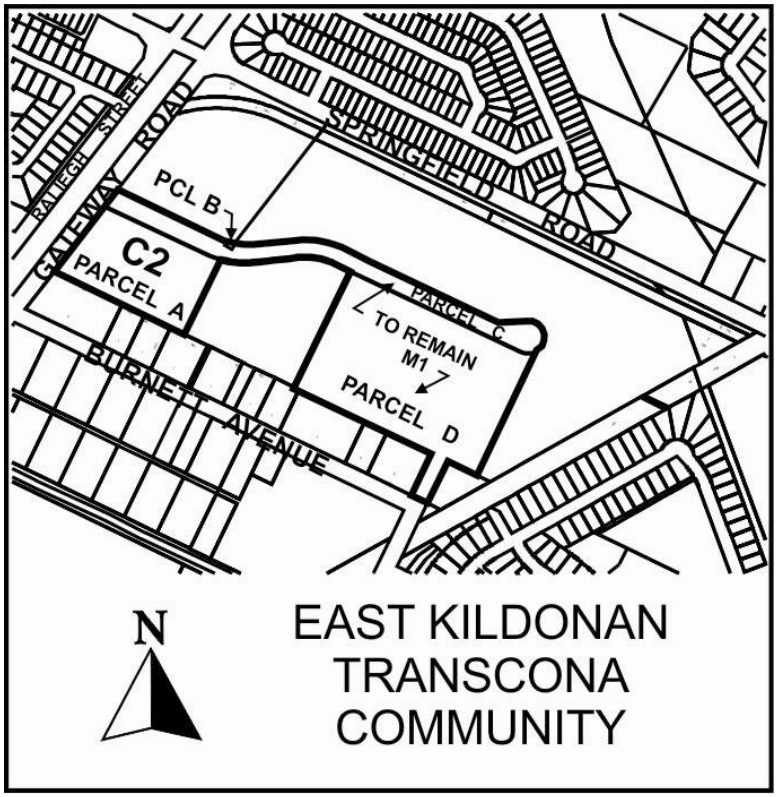
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 21/2010
3. Schedule “B” - Administrative Coordinating Group Servicing Agreement.

APPENDIX 'A'

DATE: December 1, 2010
FILE: DASZ 21/10
RELATED FILES: DAZ 222/96; DAPS 17/99; DASSF 542/08
COMMUNITY: McLeod Industrial
NEIGHBOURHOOD #: 4.428

SUBJECT: Subdivision and Rezoning to create one commercial parcel.

LOCATION: 90 Lexington Park



APPLICANT: Susan Russell McGowan Russell Design Group Inc.
120 FORT ST SUITE 200
WINNIPEG MB

OWNER: Palliser Furniture Corporation

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to create four (4) parcels out of 20.88 acres of land and rezone 5.04 acres (Parcel A) to **C2 Commercial Community District** on the east side of Gateway Road, south of Springfield Road to allow for future commercial development.
- Two parcels (Parcels B and C) will remain as **M1 Manufacturing Light District** for the purposes of maintaining the existing private road allowance.
- Parcel D (12.11 acres) will remain **M1** for the purposes of maintaining the two-storey Palliser Furniture Building.
- A Traffic Impact Study is required to determine the transportation improvements necessary to accommodate the proposed development, which will formulate the conditions of approval to be recommended.

SURROUNDING LAND USES AND ZONING

- The subject property is zoned **M1 Manufacturing Light District** and 20.88 acres located on the east side of Gateway Road between Furniture Park and Springfield Road in the McLeod Industrial neighbourhood of the North Kildonan Ward.
- The subject property is occupied by Palliser Furniture and under-developed lands.
- Adjacent properties include industrial land uses to the south zoned **M2 Manufacturing General District;** to the east is the new MPIC building and Palliser Furniture building zoned **M1;** and to the northwest, North Kildonan Mennonite Brethren Church - Places of Worship zoned M1.
- Surrounding lands to the north across the Springfield Road are single family dwellings zoned R1 and to the west across Gateway Road / Raleigh, single family dwellings zoned R1.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to create four (4) parcels out of 20.88 acres of land and rezone 5.04 acres (Parcel A) to **C2 Commercial Community District** on the east side of Gateway Road, south of Springfield Road to allow for future commercial development.
- Two parcels (Parcels B - 0.01 acres and Parcel C – 3.72 acres) will remain as **M1 Manufacturing Light District** for the purposes of maintaining the existing private road allowance.
- Parcel D (12.11 acres) will remain **M1 Manufacturing Light District** for the purposes of maintaining the two-storey Palliser Furniture Building.

ANALYSIS AND ISSUES

Plan Winnipeg 2020

- The lands are designated 'Industrial Policy Area'
- Policy 3B-06 iii) restricts land uses in industrial areas to industrial lands only to promote stability and predictability.
- Policy 3B-06 iv) allows the possibility of introducing commercial uses in industrial areas to act as a buffer between the industrial uses and adjacent uses.
- The proposed development is compliant with Plan Winnipeg since the commercial lands located along Gateway Road will act as a buffer between the existing residential neighbourhood to the west the and the existing industrial to the east.
- Any additional commercial or residential development within the 20.88 acres site is restricted under Plan Winnipeg 2020, however, it would be enabled under the *OurWinnipeg Development Plan* and the *Complete Communities Direction Strategy* (which

is a Secondary Plan for the entire City) - - both received Second Reading by Council in July 2010 [The documents are now under review with the Province of Manitoba] - - these lands are identified as a 'Major Redevelopment Site' whose key direction is *to provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites*.

Zoning By-law 200/06

- **M1 Manufacturing Light District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.
    - There is a minimum front yard of 25 feet; and maximum building height of 50 feet.

- **M2 Manufacturing General District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
    - There is a minimum front yard of 25 feet; and maximum building height of 100 feet.

- **C2 Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
    - The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
    - C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
    - There is a rear yard requirement of 25 feet and a maximum building height of 49 feet.
    - Multi-family residential structures in the C2 district must meet the requirements of the RMF-M zone.

Zoning Agreement

The Division is recommending that the zoning agreement attached as caveat to the land title under DAZ 222/96 that restricts land-uses, building heights, setback, ingress/egress, and plan approval at the Community Committee be withdrawn and replaced with a new zoning agreement.

Road Access

A private road has been constructed from Gateway Road, east into Palliser's lands. Parcels B and C will remain M1 for use as the private road that serves both MPIC and Palliser Furniture.

Site Design

- Preliminary site plans illustrating how the Planned Area may develop with buildings, parking areas, and internal roads: details regarding landscaping, lighting, pathways, etc. have not been provided.
- The developer, as a condition of approval, will be required to provide a master site plan for the Planned Area for approval by the Director of Planning, Property and Development and the Community Committee.

- The objective of the Site Plan Review and Guidelines in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the potential impacts are sufficiently mitigated
- The Division notes that pedestrian and bicycle lockup facilities should be provided in the site plan; and pedestrian connections on the subject lands to the Gateway Road (North East Pioneer Trail) immediately in-front of the lands between Gateway and Raleigh.
- The following design guidelines will be used by the Division in the review of the site plan for large commercial facilities, and are based upon sound land use planning principles and best practices to support multi-modal transportation:

    - Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;
        - Create a safe and comfortable pedestrian environment.
            - Apply Universal Design Guidelines.
            - Ensure safe and convenient access to transit facilities.
            - Protect pedestrians from adverse environmental elements..
            - Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are applied.
        - Create direct, comfortable and safe pedestrian routes leading to front entrances of buildings from parking areas, transit stops, public sidewalks, and other pedestrian destinations
        - Pedestrian Crossings:
            - Consider installing ‘tables’ (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
            - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.

    - Ensure facilities for bicycle transportation are well integrated with the overall site environment;
        - Install exterior lockable bike rakes in safe, easily accessible location that is in plain view for people to see.
        - Erect full enclosed, secured cages for long-term parking of bicycles

Municipal Services

- The Developer will be required to construct a 2.0-m widening to the Gateway Road pavement to create two southbound lanes on Gateway Road from the current terminus of the section of Gateway Road containing two southbound lanes (approximately 30 m south of Springfield Road) to a point 40 m south of the projection of the south edge of the Lexington Road approach to Gateway Road, with an appropriate taper south to narrow the two southbound lanes into a single southbound lane from that point, all as determined by, and to the satisfaction of, the Director of Public Works.

- An updated Traffic Impact Study will be required to address the impact on traffic of each new application for development on the lands.

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 amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %.
  'Cash in lieu' of land will be required under this development application.

RECOMMENDATIONS

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:

- Rezoning the land from 'M1' to 'C2' along Gateway Road will ensure that noxious, industrial users will no longer have the right to establish in close proximity to nearby residential dwellings and the church.

The Division is recommending that a Zoning Agreement contain site plan approval for review and approval by the Director of Planning, Property and Development and the Community Committee to ensure the final design of the development provides any mitigating elements needs to address the concerns of nearby residents and includes active transportation amenities for pedestrians and cyclists.

The Division is also recommending that advertising signs, mobile signs, poster signs and A-frame signs be prohibited from the subject land as there are residential dwellings in close proximity to the west.

The Division is also recommending a number of conditions regarding building identification signage, addressing, access etc. to ensure access and clarity for emergency services should the entire Planned Area develop with multiple buildings.

And the Division is recommending that the 10 foot front yard established under the previous Zoning Agreement (DAZ 222/96) for the lands carry over as this has established the front yard setbacks along Gateway Road since the C2 District does not have a front yard requirement whereas the M2 has a 25 foot requirement.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 21/10

Schedule “A” for File No. DASZ 21/10, East Kildonan – Transcona Community Committee, dated December 1, 2010.

By-Law No. _____

File No. **DASZ 21/10**

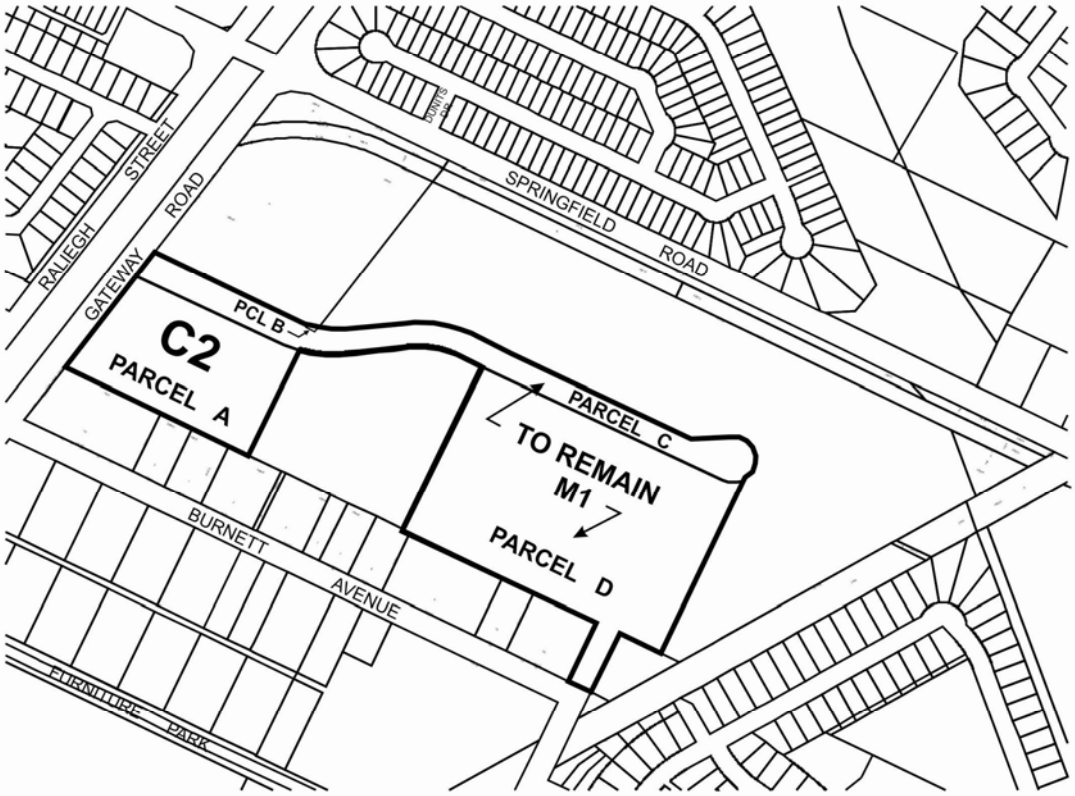
Atlas Sheet No. **V30**

N

EAST KILDONAN TRANSCONA 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. 200/2006 by rezoning the land located at 90 Lexington Park from an “M1” MANUFACTURING LIGHT DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for future commercial development on Proposed Parcel A (remaining parcels to maintain existing zoning) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 24, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND on the EAST SIDE OF GATEWAY ROAD, SOUTH OF SPRINGFIELD ROAD - 90 LEXINGTON PARK - DASZ 21/10

McGowan Russell has submitted an application to subdivide into four parcels and rezone from M1 (Manufacturing Light) to C2 (Commercial Community District) one of the four parcels of land situated within the Planned Area under Development Agreement AG 222/96 between the City of Winnipeg and Palliser Furniture Ltd.

Servicing Agreement AG 222/96 was executed on November 27, 1999. The City subsequently approved application DAPS 17/99, and an addendum to AG 222/98, which amended Paragraphs 1 b) and 3 a) of Schedule B to Agreement AG 222/96 regarding payment of the Land Drainage Trunk Sewer charges and payment of Palliser's share of existing services, was executed.

The City subsequently approved:

1. application DAPS 3/07, which added two parcels of CPR spur line (Parcels A & B, Plan 32047) to the Planned Area under AG 222/96; and

2. the amendment of AG 222/96 to provide for payment of the outstanding Land Drainage Trunk Sewer and existing services costs on a land area, rather than a building footprint, basis, and to extend the deadline for payment of the outstanding amount to December 31, 2011; and

3. application DASSF 542/08, which further subdivided Parcel B, Plan 32047.

Upon receipt of application DASZ 21/10, one of the original conditions imposed by the City was the requirement that the Developer, at no expense to the City, have a Traffic Impact Study conducted by a qualified transportation engineering consultant to determine the traffic impacts and potential transportation improvements necessary to accommodate the proposed development under DASZ 21/10, and that the "FINAL" version of the study be submitted to the Public Works Department at least one month prior to consideration of this application by the Community Committee, to enable Public Works to formulate recommended conditions for the proposed development. The first draft of the traffic impact study was submitted on October 24, and the final version on November 18, 2010.

It is recommended that the approval of DASZ 21/10 be subject to Palliser Furniture Ltd. entering into **Servicing Agreement Addendum AG 21/10** – a second addendum to Servicing Agreement AG 222/96 - with the City of Winnipeg, to incorporate the above three approvals, as required, and containing the following conditions pertaining to application DASZ 21/10:

1. The Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a 2.0-m widening to the Gateway Road pavement to create two southbound

lanes on Gateway Road from the current terminus of the section of Gateway Road containing two southbound lanes, approximately 30 m south of Springfield Road, to a point 40 m south of the projection of the south edge of the Lexington Road approach to Gateway Road, with an appropriate taper south to narrow the two southbound lanes into a single southbound lane from that point, all as determined by, and to the satisfaction of, the Director of Public Works.

2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

3. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

4. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

6. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Are verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

7. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

8. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $450.00 plus GST per acre of the Planned Area (minimum $1,650.00) to defray the City's administration and related costs associated with the preparation and implementation of the Addendum Agreement.

It is also recommended that, as further development is proposed under Servicing Agreement AG 222/96, the Traffic Impact Study be updated, as required, to address the impact on traffic of each new application.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 21/10
November 24, 2010

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

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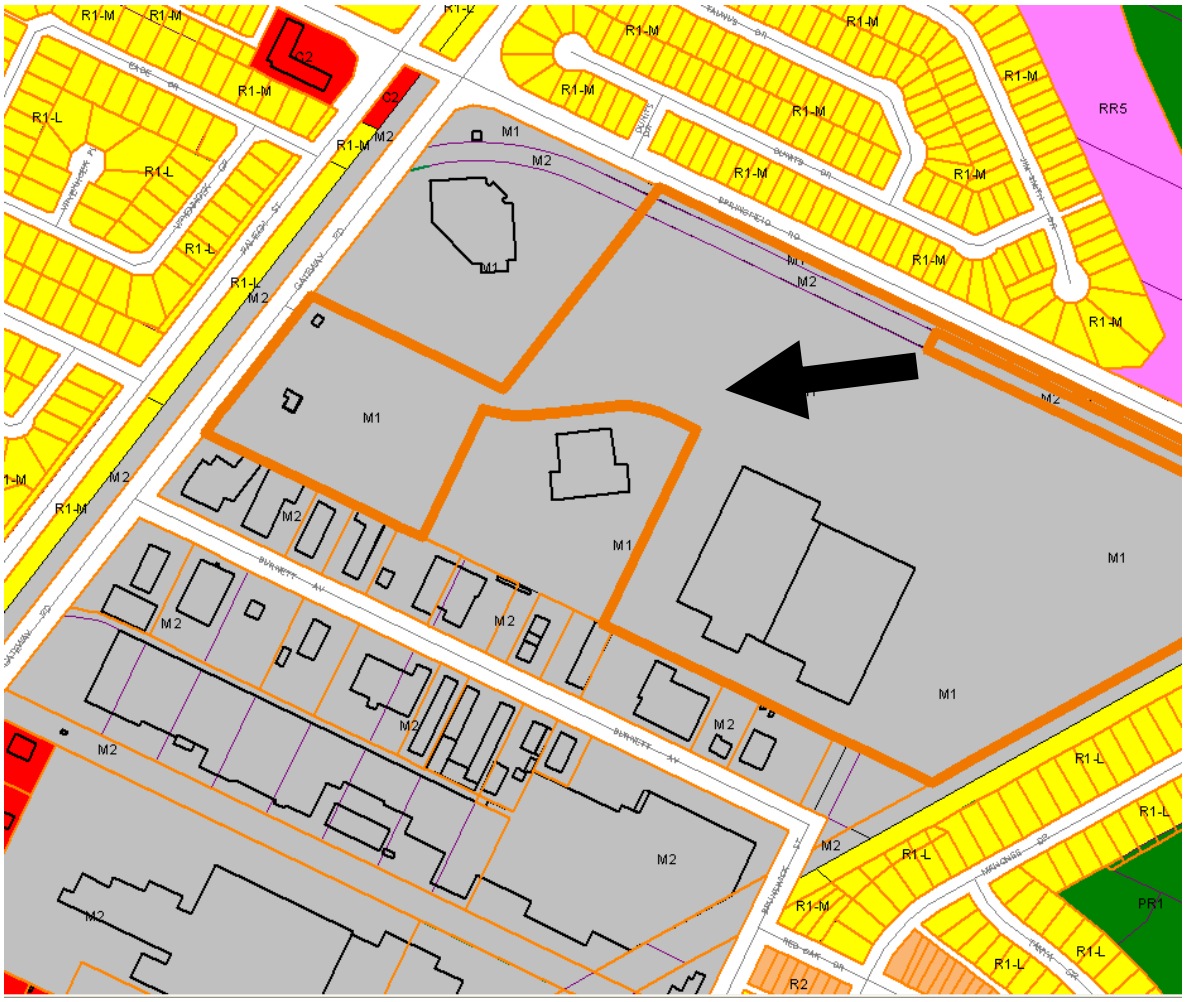

Figure 1: Existing Zoning for subject property and Surrounding Area.

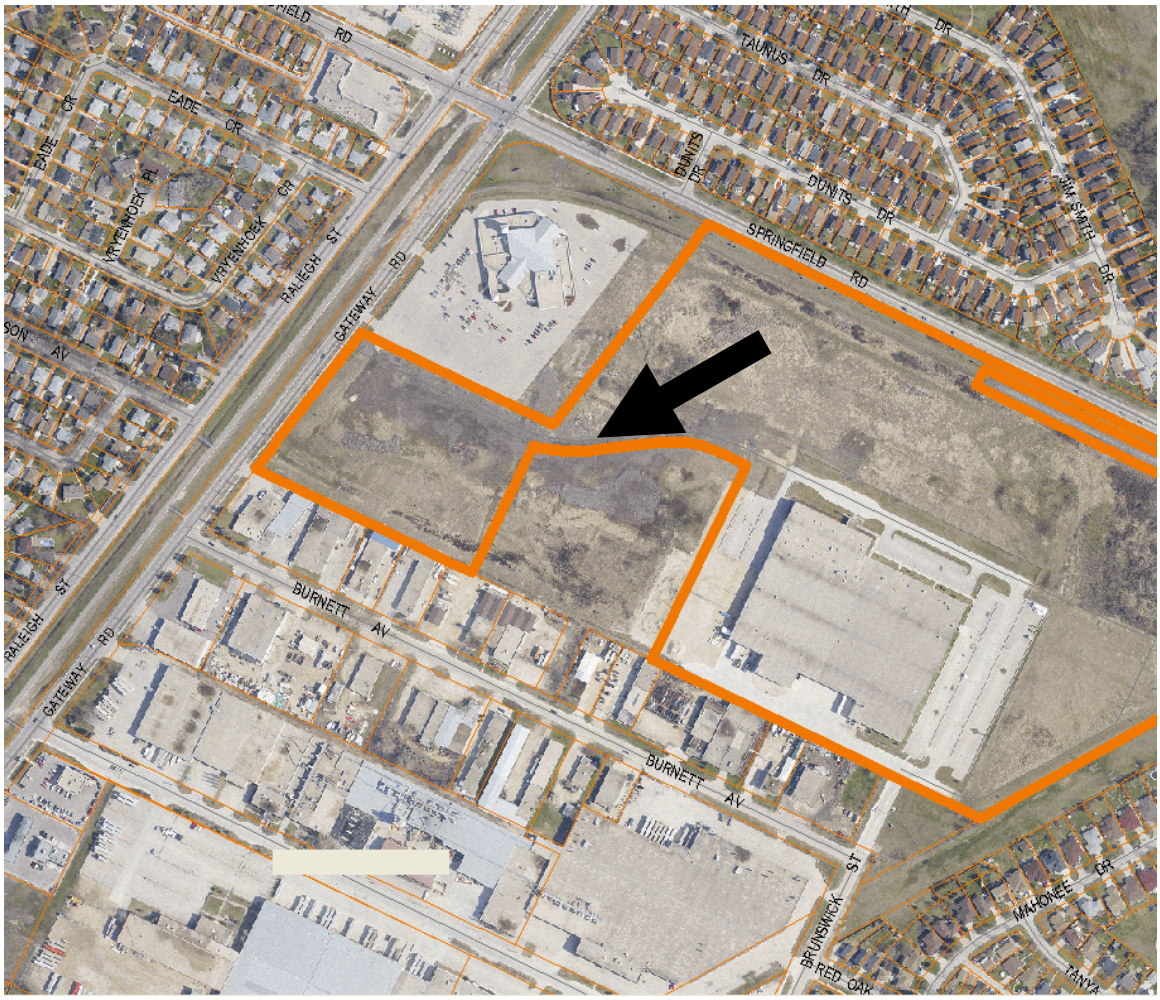

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "8" referred to in File DASZ 21/2010

ADMINISTRATIVE REPORT

Title: DASZ 21/2010 – 90 Lexington Park

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow the future commercial development.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

13. That the application for subdivision and rezoning (DASZ 21/2010) be adjourned.

REASON FOR THE REPORT

- The applicant intends to create four (4) parcels out of 20.88 acres of land and rezone 5.04 acres (Parcel A) to **C2 Commercial Community District** on the east side of Gateway Road, south of Springfield Road to allow for future commercial development.
- Two parcels (Parcels B and C) will remain as **M1 Manufacturing Light District** for the purposes of maintaining the existing private road allowance.
- Parcel D (12.11 acres) will remain **M1 Manufacturing Light District** for the purposes of maintaining the two-storey Palliser Furniture Building.
- A Traffic Impact Study is required to determine the transportation improvements necessary to accommodate the proposed development, which will formulate the conditions of approval to be recommended.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the applicant will be provided additional time to have a Traffic Impact Study carried out by a qualified

transportation engineering consultant to determine the traffic impacts and potential transportation improvements necessary to accommodate the proposed development of the subject property for commercial land-uses: said study is to be submitted to the Public Works Department.

HISTORY

The site was originally a part of the Canadian Pacific Railway property lying east of the Red River and was purchased by Palliser Furniture from the CPR in 1988. At that time the lands were designated as “Industrial Area” in Plan Winnipeg; consistent with CPR ownership and their contiguity with the McLeod Industrial Area to the south.

In 1989, Palliser submitted a development proposal (Lexington Village) to the City for approval, consisting of a mix of commercial and residential development. A Plan Winnipeg Amendment to designate the lands as a “Neighbourhood” area was submitted concurrently with the residential/commercial rezoning application. The development plan designation was subsequently amended, to permit residential/commercial uses, in January, 1989. However due to changing housing market conditions the development was not proceeded with and the rezoning of the lands to residential and commercial designations was not completed. The site remained zoned “M2” Industrial.

As a consequence of the Plan Winnipeg Amendment to “Neighbourhood” receiving approval in 1989, but the Developer not proceeding with the rezoning, the then “M2” zone was not consistent with the Plan Winnipeg designation. Palliser subsequently filed a new Plan Winnipeg Amendment (PW 4/96), to have the lands re-designated as an “Industrial Area”, which was completed in March, 1997 provided that a concurrent rezoning application be made to change the zoning to an industrial land-use category with a higher development standard. Subsequently, in 1997 DAZ 222/96 was approved for rezoning 54.6 acres (22.1 ha) from “M2” General Industrial District to an “M1-B” Light Industrial District under Zoning By-law 6400/94 as this latter zone required all operations to be completely contained within an enclosed building and subject to “Building Design Board’ approval. A Zoning Agreement was attached to the property that restricts land-uses, building heights, setback, ingress/egress, and plan approval at the Community Committee.

At the time of the application, the applicant indicated that, subject to developer interest, they may use the most westerly 170 metres (557.7 feet) in depth of the lands for a retail shopping centre development. However, the Zoning Agreement restricts the size the commercial space, and the subsequent transformation of the zoning category from “M1-B” to M1 Manufacturing Light District on March 1, 2008 under the new Zoning By-law 200/06 further restricts the commercial land-uses.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*September 21, 2010*
File No.	*DASZ 21/10*