Agenda – Council – January 25, 2012

Report – Executive Policy Committee – January 18, 2012

Item 2 Subdivision and Rezoning – 1280 Notre Dame Avenue (Daniel McIntyre Ward) File DASZ 44/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and recommends to Council:

1. That the plan of subdivision proposed under File DASZ 44/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2011 dated December 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 44/2011 dated December 16, 2011 to a "M1" Manufacturing Light District, subject to the following conditions:

    i. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the developer shall remove the existing angular private approach serving the subject property and restore the curb, boulevard (sod and trees) and sidewalk as determined by and to the satisfaction of the Director of Public Works and shall provide a 100% security in the amount and form as determined by and to the satisfaction of the Director of Public Works and the City Solicitor, prior to the release of mylars for registration in the Land Titles Office, to guarantee completion of the works.

4. That a ten per cent (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.

Report – Executive Policy Committee – January 18, 2012

5. 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the servicing agreement

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. 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.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. 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 – January 18, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 3, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 1280 Notre Dame Avenue**
File DASZ 44/2011

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **January 4, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 3, 2011, the City Centre 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 plan of subdivision proposed under File DASZ 44/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2011 dated December 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 44/2011 dated December 16, 2011 to a "M1" Manufacturing Light District, subject to the following conditions:

    i. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the developer shall remove the existing angular private approach serving the subject property and restore the curb, boulevard (sod and trees) and sidewalk as determined by and to the satisfaction of the Director of Public Works and shall provide a 100% security in the amount and form as determined by and to the satisfaction of the Director of Public Works and the City Solicitor, prior to the release of mylars for registration in the Land Titles Office, to guarantee completion of the works.

4. That a ten per cent (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.

5. 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the servicing agreement

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. 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.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The development is an improvement to the building and worthwhile doing.

PUBLIC HEARING SUMMARY

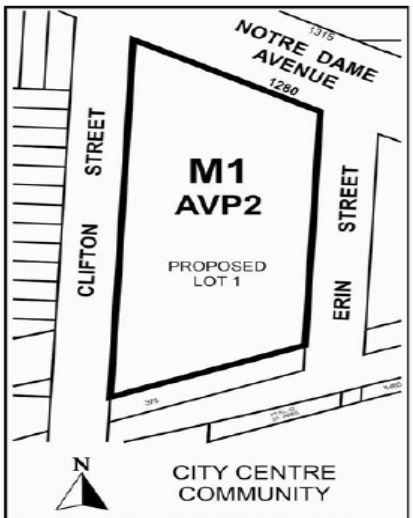
File: DASZ 44/2011

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow
Councillor Smith

Public Hearing: January 3, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: GW Architecture Inc. (Brian Wall)

Subject:



APPLICANT: GW ARCHITECTURE
FILE : DASZ 44/11
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M3" MANUFACTURING HEAVY DISTRICT, Airport Vicinity 2 PDO DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT, Airport Vicinity 2 PDO DISTRICT to allow for the future development of a commercial building. **For information, phone Mr. M. Robinson, Planner, at 986-3213.**

Premises Affected: 1280 Notre Dame Avenue

Exhibits Filed:

1. Application dated November 23, 2011
2. Notification of Public Hearing dated December 1, 2011
3. Manitoba Status of Title 2521868
4. Surveyor's Building Location Certificate and sketch dated October 12, 2010

5a. Variance Order DAV 531/99C
5b. Conditional Use Order DCU 47/2000C
5b. Variance Order DAV 106/2000C
5c. Variance Order DAV 941/2000C
5d. Variance Order DAV 105/2001C

6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated December 22, 2011
8. Inspection Report
9. Presentation, submitted by Marc Cohoe, with respect to the application

REPRESENTATIONS:

In Support:

Giovanni Geremia

In Opposition

Nil

For Information:

Mark Cohoe

For the City:

Mr. J. Wintrup, Principal Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 44/2011

ADMINISTRATIVE REPORT

Title: DASZ 44/2011 –1280 Notre Dame Avenue

Issue: Rezoning application from "M3" AVP-2 Manufacturing Heavy District to "M1" AVP-2 Manufacturing Light District for the development of a commercial strip mall and the consolidation of all lots into one lot.

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 44/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2011 dated December 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 44/2011 dated December 16, 2011 to a "M1" Manufacturing Light District, subject to the following conditions:

    i. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the developer shall remove the existing angular private approach serving the subject property and restore the curb, boulevard (sod and trees) and sidewalk as determined by and to the satisfaction of the Director of Public Works and shall provide a 100% security in the amount and form as determined by and to the satisfaction of the

Director of Public Works and the City Solicitor, prior to the release of mylars for registration in the Land Titles Office, to guarantee completion of the works.

4. 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.

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9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will be rezoned.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

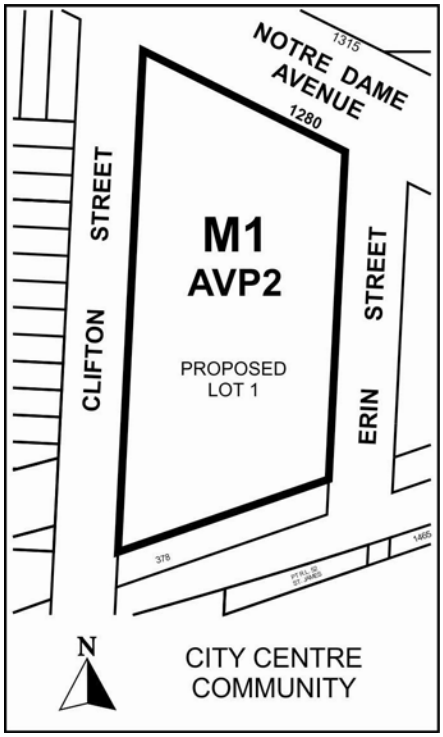
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	December 22, 2011
File No.	DASZ 44/2011

APPENDIX 'A'

DATE: December 22, 2011
FILE: DASZ 44/11
RELATED FILES: N/A
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.118

SUBJECT: Rezoning application from "M3" AVP-2 Manufacturing Heavy District to "M1" AVP-2 Manufacturing Light District for the development of a commercial strip mall and the consolidation of all lots into one lot.

LOCATION: Southwest corner of Erin Street and Notre Dame Avenue
LEGAL DESCRIPTION: Provided with the application



APPLICANT: GW Architecture (Brian Wall)
602 – 44 Princess Street
WINNIPEG MB R3B 1K2

OWNER: Spa Investments

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

The subject property is located at the southwest corner of Erin Street and Notre Dame Avenue in the Sargent Park neighbourhood of the Daniel McIntyre ward.

North: Notre Dame Avenue
South: Railroad tracks, then industrial development zoned “M3” Manufacturing Heavy District
East: Erin Street, then a warehouse building zoned “M2” Manufacturing General District
West: Clifton Street, then light manufacturing use zoned “M3” Manufacturing Heavy District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant is proposing to add 12 rental commercial/retail units of approximately 2,500 square feet each. 9 of the rental units will be located on the ground level and three will be located on a second floor portion of the development.

The site has a total area of 74,000 square feet. The main floor portion of the structure will provide a total of 22,200 square feet of space while the upper portion will provide 7,950 square feet of space. The total area will be 30,150 square feet.

The proposal calls for approximately 92 parking stalls. The north part of the lot is already developed as a parking area for Robin’s Donuts and it is the intention to retain the paving and landscaping in that area as is. In addition, the drive through lane for the Robin’s Donuts will remain in its present location.

Reason for application
Commercial/retail uses are not permitted in the “M3” Manufacting Heavy District. Consequently, a rezoning to the “M1” Manufacturing Light District, which permits retail/commercial uses, with some restrictions, is required.

ANALYSIS AND ISSUES
OurWinnipeg / Complete Communities
The subject property is within a General Manufacturing Area of the urban structure. General Manufacturing areas consist of existing, typically planned industrial areas that contain a mix of light industrial uses at varying intensities. While the City still aims to reserve general manufacturing areas principally for industrial related uses, Complete Communities promotes the idea of more flexibility in the introduction of other, complimentary uses, especially on vacant or obsolete sites and along major mixed use corridors, such as Notre Dame Avenue.

For instance, Direction 1, Strategy 3 of Employment Lands > Manufacturing Specific reads as follows:

Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional areas.

Direction 3, Strategy 4 of Employment Lands > All Employment Lands states:

Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees

Given that the subject site is partially vacant, located along a major corridor, and will provide complimentary commercial/retail uses, the rezoning is consistent with OurWinnipeg/Complete Communities.

Conditions of approval

Plan approval

The site plan submitted to the City shows the general layout of buildings and parking on the site. The Winnipeg Public Service is recommending that final plans be submitted to the Director of Planning, Property, and Development and City Centre Community Committee for approval, prior to the issuance of any permits for the property. Plan approval will ensure that the development of the site is meeting Complete Communities objectives. Items that the City will be looking for at the plan approval stage are as follows:

Accessibility

- Bicycle Parking – both short term (bicycle racks) and long term (bicycle room/bicycle cage) for employees
- Pedestrian access to the site from multiple locations
- Pedestrian crosswalk (raised with a change in colour/texture) internal to the site
- Move portion of building fronting Notre Dame closer to the street, to facilitate pedestrian access to the buildings/site
- Consider pedestrian entrances along street frontages (Erin and Notre Dame)

Site presentation

- Upgrade fencing along Notre Dame Avenue to a black, ornamental style fence
- Install landscaping, per the Winnipeg Zoning By-law, at the perimeter of the site, at building foundations, and within the parking lot
- Require buildings to be four sided – meaning that architectural detailing should be provided on all four sides of the building. This is necessary because the backs of the buildings face onto public streets (Erin and Clifton Streets)
- Install garage enclosure

RECOMMENDATIONS

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

- The rezoning will result in a general improvement in the appearance of the property
- The rezoning is consistent with OurWinnipeg/Complete Communities

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 37/2011



Figure 1: Aerial Photo (Flown in 2009)

Schedule "A"

Schedule "A" for File No. DASZ 44/2011, City Centre Community Committee, dated December 22, 2011

By-Law No. _____

File No. **DASZ 44/11**

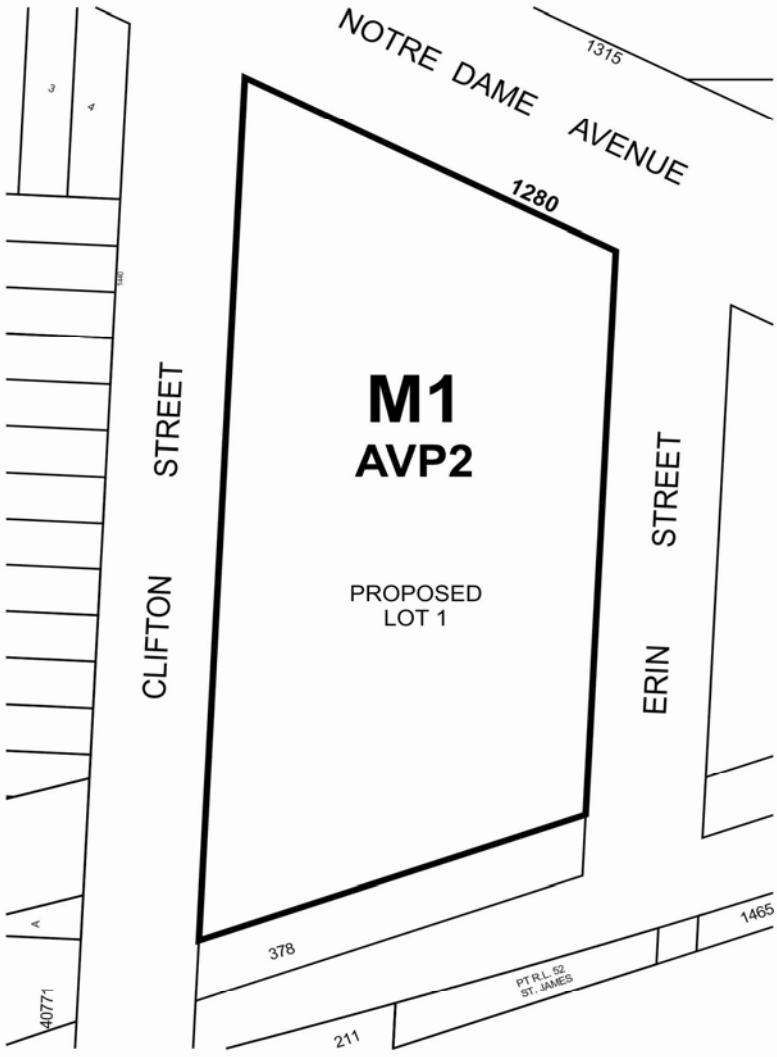
Atlas Sheet No.

N

Y21
CITY CENTRE
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 1280 Notre Dame Avenue from an "M3" MANUFACTURING HEAVY DISTRICT, Airport Vicinity 2 PDO DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT, Airport Vicinity 2 PDO DISTRICT to allow for the future development of a commercial building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____