**Minutes – Executive Policy Committee – December 3, 2014**

**Report – Standing Policy Committee on Property and Development – November 25, 2014**

**Item No. 5 Subdivision and Rezoning – 1191-1197 Kenaston Boulevard and vacant land to the south**
**(Charleswood – Tuxedo Ward)**
**File DASZ 27/2014**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 27/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2014 dated November 10, 2014 with such minor changes as may be required, and 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 27/2014 dated November 10, 2014 to an "MMU" Manufacturing Mixed Use District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 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, 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, lighting, landscaping and free-standing signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the applicant shall grant, at no cost to the City, an easement for access by the City to the stormwater pond west of the lands in the referenced application, adjacent to Fort Whyte Alive, to the satisfaction of the Director of Water and Waste. That the existing easement on plan no. 34919 be partially discharged, as required, to the satisfaction of the Director of Water and Waste.

**Report – Standing Policy Committee on Property and Development – November 25, 2014**

4. That the applicant shall register on title, cross access agreements between lots 1, 2, 3 and 4 in a form to be approved by the Director of Public Works.

5. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

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

11. 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.

**Report – Standing Policy Committee on Property and Development – November 25, 2014**

12. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

13. 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.

14. 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.

**Report – Standing Policy Committee on Property and Development – November 25, 2014**

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, the Assiniboia Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated November 10, 2014, with the following amendment:

- Add the following sentence to Recommendation 3:

  "That the existing easement on plan no. 34919 be partially discharged, as required, to the satisfaction of the Director of Water and Waste.",

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

**RE:** **Subdivision and Rezoning - 1191-1197 Kenaston Boulevard and vacant land to the south**
**File DASZ 27/2014**

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

**Prepared by:** **Destiny Watt, Senior Committee Clerk**
**Assiniboia Community Committee**

**Report date:** **November 18, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2014, the Assiniboia Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated November 10, 2014, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 27/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2014 dated November 10, 2014 with such minor changes as may be required, and 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 27/2014 dated November 10, 2014 to an "MMU" Manufacturing Mixed Use District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 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, 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, lighting, landscaping and free-standing signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the applicant shall grant, at no cost to the City, an easement for access by the City to the stormwater pond west of the lands in the referenced application, adjacent to Fort Whyte Alive, to the satisfaction of the Director of Water and Waste. ***That the existing easement on plan no. 34919 be partially discharged, as required, to the satisfaction of the Director of Water and Waste.***

4. That the applicant shall register on title, cross access agreements between lots 1, 2, 3 and 4 in a form to be approved by the Director of Public Works.

5. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

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

11. 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.

12. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

13. 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.

14. 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.

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

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated November 10, 2014.

2. Concurs in the presentation with respect to the partial closing of the easement and the creation of the new easement.

**PUBLIC HEARING SUMMARY**

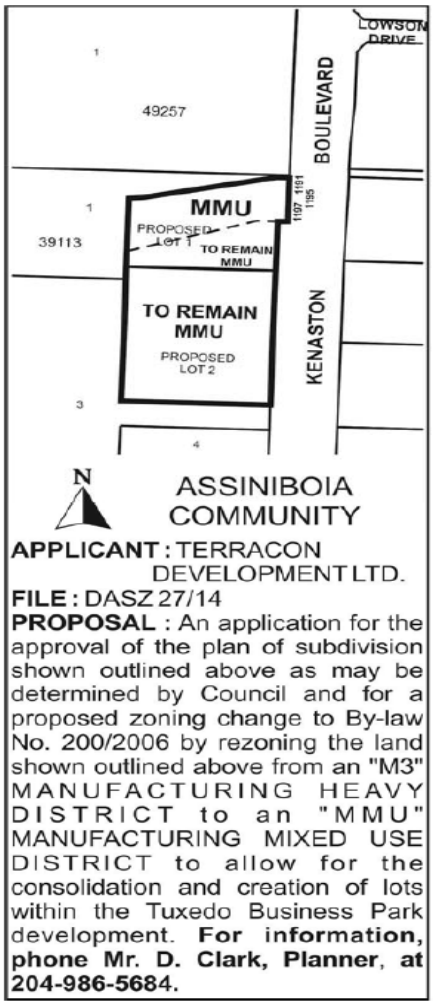
File: DASZ 27/2014

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson
Councillor Morantz

Public Hearing: November 17, 2014
Council Building, 510 Main Street

Applicant: Terracon Development Ltd.
(Matt Glavin)

Subject:



Premises Affected: 1191 – 1197 Kenaston Boulevard and vacant land to the south

Exhibits Filed:

1. Application dated September 15, 2014
2. Notification of Public Hearing dated September 19, 2014
3. Manitoba Status of Titles 1771150/1 and 2491513/1
4a. Letter of authorization dated July 30, 2014 from Lehigh Hanson Materials Limited to Tuxedo Business Park Inc.
4b. Letter of authorization dated August 27, 2014 from Tuxedo Business Park Inc. to Terracon Development Ltd.
5. Sketches (3 pages)
6a. Caveat 2115913
6b. Caveat 2166581
6c. Caveat 2560466
6d. Caveat 2560467
7. Report from the Urban Planning Division dated November 10, 2014
8. Revised Report from the Urban Planning Division dated November 10, 2014
9. Inspection Report
10. Communication and documentation dated November 17, 2014, from Terracon Development Ltd. in support of the application, submitted at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Matt Glavin and Michael Falk, Terracon Development Ltd.

In Opposition

Nil

For Information:

Murray Riddell

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development

Exhibit "8" referred to in File DASZ 27/2014

# ADMINISTRATIVE REPORT

**Title:** DASZ 27/2014 – 1191-1197 Kenaston Blvd. REVISED

**Issue:** An application for consideration at the public hearing to subdivide the land to create two parcels and rezone a part of land from an "M3" Manufacturing Heavy District to "MMU" Manufacturing Mixed Use District.

**Critical Path:** Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | n/a | n/a | |

## RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 27/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2014 dated November 10, 2014 with such minor changes as may be required, and 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 27/2014 dated November 10, 2014 to an "MMU" Manufacturing Mixed Use District, subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 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, 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, lighting, landscaping and free-standing signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. The applicant shall grant, at no cost to the City, an easement for access by the City to the stormwater pond west of the lands in the referenced application, adjacent to Fort Whyte Alive, to the satisfaction of the Director of Water and Waste.

4. The applicant shall register on title, cross access agreements between lots 1,2,3 and 4 in a form to be approved by the Director of Public Works.

5. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

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

11. 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.

12. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.'

13. 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.

14. 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.

## REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the property at 1191-1197 Kenaston Blvd. from "M3" Manufacturing Heavy District to "MMU" Manufacturing Mixed Use District for the purposes of future development of the Tuxedo Business Park.

- Subdivision and Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be subdivided into two lots and rezoned from "M3" Manufacturing Heavy District to "MMU" Manufacturing Mixed Use District.

## HISTORY

Lands Associated with the Tuxedo Business Park

- **1999 - DASSF 539/99 –** A subdivision application was approved for the entire lands that comprise the 90-acre Tuxedo Business Park. A Subdivision Agreement was entered into.

- **2001 - DAZ 215/2001** – A rezoning application for the front 15-acre parcel along Kenaston Blvd. to 'M2' Industrial was approved. Approval included a Zoning Agreement that restricted: Uses, Freestanding sign size, Yard setbacks and required plan approval prior to development permits.

- **2006 – Subdivision Agreement Amendment - SAA 9/2006 –** An application was made to amend Clause 3 of the subdivision agreement, (DASSF 539/99); which restricted approaches to the land.

  *Clause 3. Access to the land shall be restricted to the following location:*
  *i) The existing approach to the Lehigh Cement Plant from Kenaston Boulevard;*
  *ii) opposite Rothwell Road onto Kenaston Boulevard; and*
  iii) *off the public right of way located along the south limit of the proposed subdivision.*

  The City Administration was opposed to the fourth approach.

  The Assiniboia Community Committee did not concur in the administrative recommendation and recommended the following:

  1. That Paragraph 3 of the Subdivision Agreement under DASSF 539/99 be approved, as amended, by adding the following;

  > "iv) off the public right-of-way, known as Kenaston Boulevard onto Lot 2, Plan 39119, as a right in and a right out." and forwarded to the Standing Policy Committee on Property and Development.

  2. That the Private Approaches By-law No. 6546/95 be amended to permit a private approach off the public right-of-way, known as Kenaston Boulevard onto Lot 2, Plan 39119, as a right in and a right out" in accordance with the plan submitted by Terracon Development Ltd. and identified as Sheet D1, and forwarded to the Standing Policy Committee on Infrastructure Renewal and Public Works

- **March 1, 2008 –** Zoning By-law 200/06 adopted, re-designating the entire 75-acre property from 'M2' & 'M3' Industrial to 'MMU' Manufacturing Mixed Use.

  With the adoption of the new City of Winnipeg Zoning By-law 200/06 the 75-acre Tuxedo Business Park was re-designated to 'MMU' Manufacturing Mixed Use as recommended by the Zoning Advisory Committee and approved by Council. Below is an excerpt taken from the Public Service's report to the Standing Policy Committee on Property and Development heard October 30, 2007:

  *'The ZAC also recommended that lands at the 3 sites identified above be rezoned to the new MMU zoning district (i.e., that the zoning maps be amended) based on criteria established in the Mapping Rules. The criteria indicated that MMU should only be applied to sites:*
  - *that include a mix of uses such as manufacturing, warehousing, office, accessory retail, and a limited amount of service-oriented commercial;*
  - *that include a higher level of design quality; and*
  - *where development would generally be of a planned, contiguous, clustered nature.*

  *The Winnipeg Public Service is comfortable rezoning the Tuxedo, Terracon and SmartPark sites to the MMU zoning district. The Tuxedo and SmartPark sites are* ***subject to existing Zoning Agreements that limit commercial development potential*** *and the Tuxedo Business Park site is subject to a Servicing Agreement.*

- **2008 – Zoning Agreement Amendment - ZAA 17/08**

  Terracon Development Ltd., the owner / developer applied to remove the Zoning Agreement affecting the front 15-acre parcel of their development, known as the Tuxedo Business Park. The owners felt that a key component to the development of their business park is the addition of retail shops and personal services. The zoning agreement prohibited these types of commercial uses.

  Discussions in the planning report stated for the ZAA included the following:

  > *The Public Service's support of the ZAC's recommendation to re-designate the lands to "MMU" Manufacturing Mixed Use was based in part on the fact that the existing zoning agreement provided a check and balance. In the event that the Assiniboia Community Committee concurs with the Public Services recommendation to allow removal of the zoning agreement, future development of the remaining portions of the subject site will be as per the 'MMU' Manufacturing Mixed Use district.*

  Planning recommended approval to discharge the zoning agreement on the land. However, it was noted in the planning report that if the Assinniboia Community Committee wished to retain some control over the future development of the Tuxedo Business Park then it was recommended that the plan approval clause be maintained.

  Ultimately, the decision made by the Community Committee was to remove the Zoning Agreement for DAZ 215/2001 in its entirety.

- **April 30, 2014 - Access to a Proposed Commercial Development Located on the West Side of Kenaston Boulevard**

  Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

  1. That an Access to a Commercial Development Located on the West Side of Kenaston Boulevard be approved subject to the following conditions:

     A. That the applicant submits written confirmation to the Public Works Department from the adjacent property owner to the north located at 1191-1195-1197 Kenaston Boulevard (Inland Cement) that they are in concurrence with the removal of the existing private approach and related northbound left turn storage lane and median opening(serving Inland Cement), as illustrated on Drawing A- 14006.

     B. That the applicant shall enter into a Cross-Access Agreement or submit documentation illustrating such an agreement is in place with the adjacent property owner to the north (1191-1195-1197 Kenaston Boulevard).
     C. That under the Private Access Bylaw 49/2008, the applicant shall be responsible for all costs associated with the proposed private access and associated works.
        The Private Access Bylaw states:
        "22. Subject to section 24, where construction, modification, relocation or removal of a private access is approved under this By-law, all the costs thereof, including the costs of removing or relocating structures or trees within the street, must be paid by the owner of the property benefitted by the private access."

     D. That the applicant shall, at no expense to the City, remove the existing northbound left turn storage lane and median opening, and restore with sod and construct a monolithic concrete splash strip.

     E. That the applicant shall, at no expense to the City, construct a 165.4 metre southbound activity lane, as illustrated on Drawing A-14006.

     F. That the applicant shall, at no expense to the City, construct an 80.0 metre northbound left turn storage lane and related transitions as illustrated on Drawing A-14006.

     G. That changes approved by the Standing Policy Committee on Infrastructure Renewal and Public Works as a result of this application be reflected in the Subdivision Agreement and Service Agreement (AG 539/99) associated with this development through an amendment to said agreements.

     H. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## CONSULTATION

In preparing this Report there was consultation with:

- The Public Works Department
- The Water and Waste Department

**SUBMITTED BY**

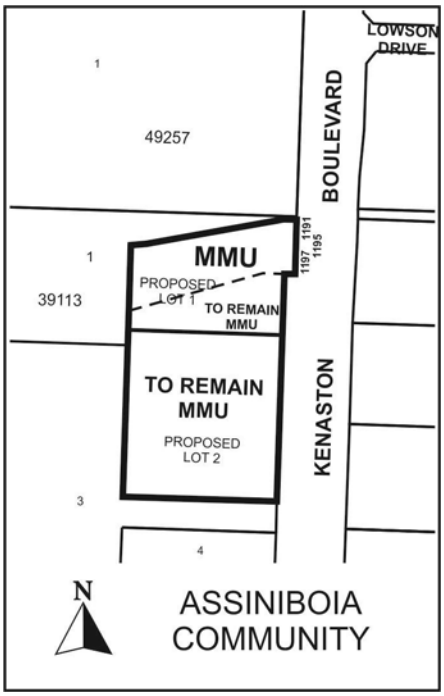
| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Urban Planning* |
| *Prepared by* | Devin Clark |
| *Date:* | November 10, 2014 |
| *File No.* | DASZ 27/2014 |

**APPENDIX 'A'**

**DATE:** November 10, 2014
**FILE:** **DASZ 27/2014**
**RELATED FILES:**
**COMMUNITY:** Assiniboia
**NEIGHBOURHOOD #:** 2.668

**SUBJECT:** To subdivide and rezone the subject land from an "M3" Manufacturing Heavy District to an "MMU" Manufacturing Mixed Use District

**LOCATION:** 1191-1197 Kenaston Blvd.
**LEGAL DESCRIPTION:** LOT 1 and 2 PLAN 39113 1/11 ST C OTM




**APPLICANT:** Terracon Development Ltd. (Matt Glavin)
1 Terracon Place
WINNIPEG MB R2J 4B3

**OWNER(s):** Lehigh Hanson Materials Limited
8955 Shaughnessy Place
VANCOUVER BC V6P 3Y7

and

Tuxedo Business Park Inc.

**RECOMMENDATION:** Approval with conditions

**REPORT SUMMARY**

- The applicant is proposing to rezone the northern portion of the property from the “M3” Manufacturing Heavy District to the “MMU” Manufacturing Mixed Use District for the purposes of future development of the Tuxedo Business Park.
- The applicant is also proposing to consolidate the portion of land to be purchased from Lehigh Hanson Materials Limited and subdivide the land into two lots.
- The Urban Planning Division recommends approval of this application.

**SITE DESCRIPTION**

- The subject property is located on the west side of Kenaston Blvd. immediately south of IKEA. The site is in the Tuxedo-Industrial neighbourhood of the Charleswood-Tuxedo ward.
- The site is approximately 7.77 acres in size and is currently undeveloped.
- Under the Complete Communities Direction Strategy, the site is located within Employment Lands – Business Park policy area.




**Figure 1: Aerial photograph showing subject property (2014)**

**North:** Manufacturing uses zoned “M3” Manufacturing Heavy and IKEA, zoned “C4” Commercial Regional.

**South:** Undeveloped land associated with the Tuxedo Business Park zoned “MMU” Manufacturing Mixed Use.

**West:** Manufacturing uses zoned “M3” Manufacturing Heavy

**East:** Kenaston Boulevard then manufacturing uses zoned “M3” Manufacturing Heavy.




**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to subdivide and rezone the north portion of the site from “M3” Manufacturing Heavy District to “MMU” Manufacturing Mixed Use District for the purposes of future development associated with the Tuxedo Business Park.
- The north portion of the site was acquired from the adjacent property owner. Currently there is an approach from Kenaston Blvd. which is planned to be closed. A new approach to the subject site from Kenaston has been approved and will service the future development of the Tuxedo Business Park.
- Detailed plans have not been submitted for the development of the subject site.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Employment Lands – Business Park policy area in the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Employment Lands include:
    - Support current employment land development trends towards smaller, leased premises, combining an office component with warehouse, repair or assembly space in a flexible building format.
    - Support, through planning, the introduction of commercial/retail, residential, and personal service development that is subordinate and supportive of the primary employment uses in Business Park and Institutional Employment areas.
    - Support priority phasing of development recognizing the importance of commercial mixed-use within employment areas through increased employment generation and reduce initial servicing costs.
    - Encourage the establishment, retention and expansion of businesses and institutions, including more opportunities for employment lands in closer proximity to residential areas.
    - Public transit should service any employment lands that attract large numbers of employees.
    - Street networks should be designed to facilitate transit service and to provide sufficient coverage to support access needs for area businesses and employees.
    - Streets that provide direct connections to primary transit services should provide facilities and amenities for pedestrians, cyclists, and transit or provide off-street alternatives.
    - Development or redevelopment of employment sites should provide for good walking environments within the site and adjacent to public sidewalks and transit stops.
    - Sufficient public open space should be provided to allow for recreational opportunities within employment areas for its employees.
    - Provide street trees, landscaping, fencing, and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of land uses, including public rights of way.

WINNIPEG ZONING BY-LAW 200/2006

Zoning By-law 200/2006 states that all manufacturing zoning districts are generally intended to:

(a) Provide appropriately located areas consistent with Plan Winnipeg for industrial and employment purposes, and limit non-industrial uses that may erode the supply of industrial lands that are well-located and serviced to accommodate industrial development; and

(b) Ensure that the appearance of industrial buildings and lands are of high quality and are compatible with the area in which they are located.

MMU - Manufacturing Mixed Use Zoning District

Intent and Purpose of the MMU Zoning District

> *The Manufacturing Mixed Use (MMU) district is intended to provide **linked commercial and industrial activities that are supportive of industrial functions** and are compatible with surrounding industrial use areas, while allowing more flexibility of uses and **requiring a higher standard of landscaping and design**. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks, and **limited** retail/personal service storefronts. **Supportive retail development**, not including offices, would be allowed to a **maximum of 35% of site area** including any land needed by the supportive retail to satisfy parking requirements, yards/setbacks and development and design standards (e.g., landscaping). During build out, supportive retail shall not exceed 50% of built site area. MMU zone districts should generally include at least thirty-five (35) acres of contiguous land, or land that would be contiguous except for intervening rights-of-way.*

Dimensional standards prescribed under Zoning By-law 200/2006 for the MMU zoning district are as follows:

- Minimum front yard – 20 feet
- Minimum rear yard – 0 feet
- Minimum interior side yard – 15 feet
- Minimum corner side yard – 20 feet
- Maximum height of building – 85 feet
- Maximum floor area ratio – 2.0

LAND USE BY-LAW

*Rezoning*

- On October 30, 2007 the Zoning Advisory Committee recommended approval of rezoning lands that are adjacent the subject property to the "MMU" Manufacturing Mixed Use zoning district, stating the following:
    - *That lands at the 3 sites identified above be rezoned to the new MMU zoning district (i.e., that the zoning maps be amended) based on criteria established in the Mapping Rules. The criteria indicated that MMU should only be applied to sites:*
        - *that include a mix of uses such as manufacturing, warehousing, office, accessory retail, and a limited amount of service-oriented commercial;*
        - *that include a higher level of design quality; and*
        - *where development would generally be of a planned, contiguous, clustered nature.*
    - *The Winnipeg Public Service is comfortable rezoning the Tuxedo, Terracon and SmartPark sites to the MMU zoning district. The Tuxedo and SmartPark sites are*

***subject to existing Zoning Agreements that limit commercial development potential*** *and the Tuxedo Business Park site is subject to a Servicing Agreement.'*

- The "MMU" zoning district is intended to provide linked commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial use areas that allow more flexibility of uses. Lands zoned "MMU" require a higher standard of landscaping and design.
- The Employment Lands – Business Park policy area in the Complete Communities Direction Strategy identifies provisions that allow for commercial retail and personal services that are subordinate to and supportive of primary employment uses. General policies relating to Business Park uses speak about encouraging a mix of uses within a high quality environment.
- Rezoning the subject land to "MMU" is appropriate for this site as it aligns with the current zoning district of the rest of the Tuxedo Business Park lands.
- In 2007 the Zoning Advisory Committee was supportive of rezoning the subject lands from "M2" and "M3" to the "MMU" zoning district for the Tuxedo Business Park with the understanding that there was a Zoning Agreement in place that would allow for a review of future development.
- Since the Zoning Agreement was removed in 2008, the Complete Communities Direction Strategy was adopted by Council. *Complete Communities* provides a detailed set of Directions and Policies with regard to the development of Employment Lands and Business Parks.
- Today, Zoning By-law 200/2006 and the Complete Communities Direction Strategy both speak to the need for achieving high quality design and landscaping within lands that are zoned "MMU" and designated as Employment Lands – Business Park. As such, the Urban Planning Division recommends a condition of Plan Approval that will allow the administration, as well as the Assiniboia Community Committee, an opportunity to review site plans prior to development in order to ensure that the proposed development aligns with the intentions of Zoning By-law 200/2006 and *Complete Communities*.

*Subdivision*

- The subdivision application has been made in order to consolidate lands at the north portion of the subject site with the rest of the lands associated with the Tuxedo Business Park. The consolidated lands will be subdivided into two lots.
- The subdivision is supportable with the conditions that have been identified by the Public Works Department and Water and Waste Department. These conditions require that the City have access to the site via easements and cross access agreements.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the development of limited commercial /retail and personal service development in Business Parks and the "MMU" zoning district is a compatible zoning district to accommodate this direction.
- The general proposal is consistent with the existing industrial character in the area and reflects the transitioning nature of this area from heavy industrial to lighter industrial with a mix of uses.

PLAN APPROVAL CONDITION

Plan Approval is a standard condition for most subdivision and rezoning applications. The intent is to provide Administration and/or the Community Committee an opportunity to review final plans with regard to design and operation of the site, prior to the issuance of development permits.

The Urban Planning Division is recommending the condition of plan approval for the following reasons:

- The site is large and located along Kenaston Blvd. which is a prominent route through the south end of the city. Recent subdivision and rezoning applications along Kenaston Blvd. have been required to adhere to this plan approval clause. For example DAZ 225/2014 – 12 Rothwell Road and 15-55 Rothwell DASZ 34/2011

- No plans have been submitted with the application. In order to ensure that the proposed development aligns with the intent and policies of Complete Communities and the Zoning By-law, the Administration would like to have the opportunity to review final plans.

- The Zoning By-law does not cover the detailed specificity for design that policies in *Complete Communities* identify for Employment Lands - Business Parks.

- Plans submitted for plan approval should include:

    - Building location and design, including façade treatments, colours, materials and dimensions. Colour elevations should be submitted.

    - The location and design of the site's garbage enclosures. The garbage enclosure should match the architectural detailing of the primary building and should be built to a high quality standard.

    - The location and design of accessory signage. Any free-standing sign should have substantial landscaping at its base.

    - The location and design of any on-site fencing. In particular fencing should be constructed in a high quality, ornamental manner with solid wood, which screens light from cars that park in the front yard facing Kenaston Blvd.

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 land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

**RECOMMENDATION**

The Urban Planning Division recommends **approval** for the following reasons:

- The proposal is generally consistent with the policies of the Complete Communities Direction Strategy and the Urban Planning Division believes that the proposed change of land use can be compatible with industrial uses of the area, subject to the recommended conditions.
- The proposed rezoning allows commercial, industrial and warehouse opportunities that are compatible with the existing context, providing a good transition between the “MMU” uses to the south and the “M3” uses and “C4” uses to the north.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Devin Clark
PPD File # DASZ 27/2014

**APPENDIX "B"**

Schedule "A" for File No. DASZ 27/2014, Assiniboia Community Committee, dated November 10, 2014

By-Law No. _____

File No. **DASZ 27/14**

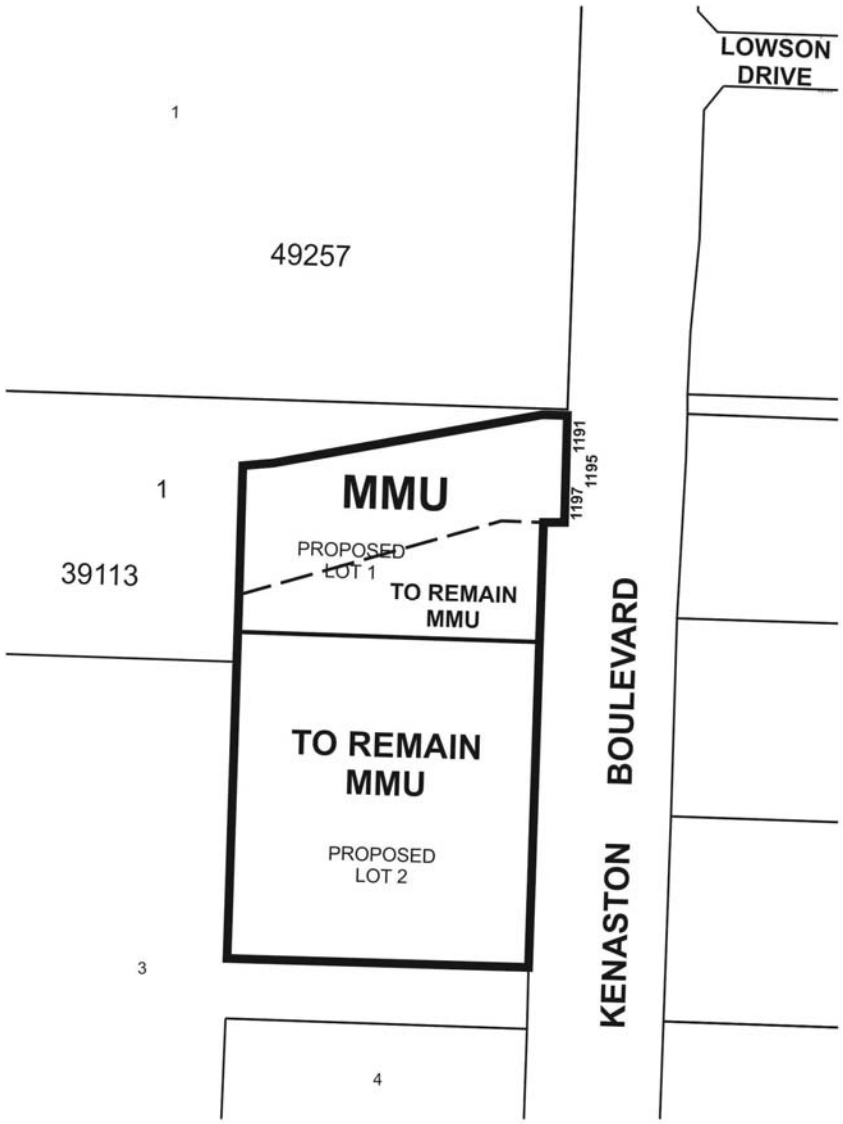
Atlas Sheet No.

N

**AG19 ASSINIBOIA COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1191-1197 Kenaston & vacant land to the South from an "M3" MANUFACTURING HEAVY DISTRICT to an "MMU" MANUFACTURING MIXED USE DISTRICT to allow for the consolidation and creation of lots within the Tuxedo Business Park development as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____