Minutes – Executive Policy Committee – September 20, 2017

REPORTS

Item No. 9 Subdivision and Rezoning – 860 St. James Street (St. James-Brooklands-Weston Ward) File DASZ 11/2017

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and recommended to Council:

1. That the plan of subdivision proposed under File DASZ 11/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 11/2017 dated September 12, 2017 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, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 11/2017 dated September 12, 2017 to "C3" Commercial Corridor Zoning District, subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter* to include the following conditions:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            1) buildings;
            2) accessory parking areas;
            3) private approaches;
            4) garbage enclosures;
            5) fencing;
            6) landscaping; and
            7) free-standing signage

on the Owner's Land ("Works") to the Assiniboia Community Committee and the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2) year period and Council approves the extension.

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

7. 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.

8. 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 (1) year from the date the 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 of 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 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*.

DECISION MAKING HISTORY:

Moved by Councillor Gillingham,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2017, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 860 St. James Street**
File DASZ 11/2017

For submission to: **Executive Policy Committee**

Prepared by: **L. Cowan, Assistant Committee Clerk**
Assiniboia Community Committee

Report date: **September 13, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2017, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 11/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 11/2017 dated September 12, 2017 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, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 11/2017 dated September 12, 2017 to "C3" Commercial Corridor Zoning District, subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter* to include the following conditions:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            1) buildings;
            2) accessory parking areas;
            3) private approaches;
            4) garbage enclosures;
            5) fencing;
            6) landscaping; and
            7) free-standing signage

on the Owner's Land ("Works") to the Assiniboia Community Committee and the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2) year period and Council approves the extension.

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

7. 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.

8. 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 (1) year from the date the 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 of 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

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

1. This is an appropriate rezoning of these properties to fit within the use of buildings and property in that strip.

2. This is a matter of cleaning up a couple of properties that have different zonings.

3. With the investments to St. Matthews Avenue and St. James Street there has been revitalization to the area and this will lead to future development that will fit within the context of the area.

PUBLIC HEARING SUMMARY

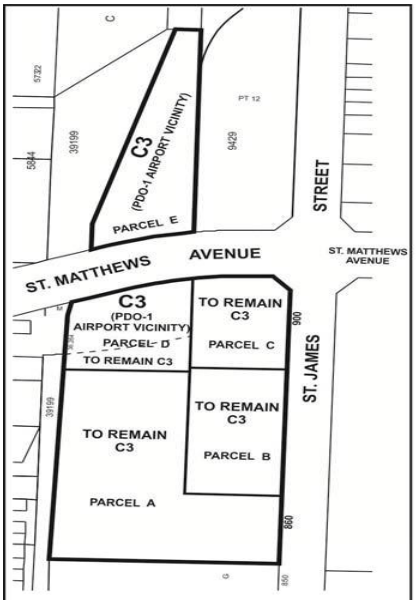
File: DASZ 11/2017

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

Public Hearing: September 12, 2017
Council Building, 510 Main Street

Applicant: Fillmore Riley LLP (Doug E. Fawcett)

Subject:



APPLICANT : FILLMORE RILEY LLP
FILE : DASZ 11/17
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 above from an "M1 PDO-1 AIRPORT VICINITY" MANUFACTURING LIGHT DISTRICT to a "C3 PDO-1 AIRPORT VICINTY" COMMERCIAL CORRIDOR DISTRICT to facilitate the construction of commercial buildings on Parcels D and E. **For information, phone Mr. R. Hayer, Planner, at 204-986-7168.**

Premises Affected: 860 St. James Street

Exhibits Filed:

1. Application dated March 30, 2017
2. Notification of Public Hearing dated June 27, 2017
3. Manitoba Status of Titles 1779221/1, 2783622/1, 2783623/1, 2788513/1 and 2841842/1
4. Letter of authorization dated February 17, 2017 from The City of Winnipeg, Real Estate Division to Oxbow Holdings Ltd.
5. Letter of authorization dated March 28, 2017 from Oxbow Holdings Ltd. to Fillmore Riley LLP
6. Surveyor's Building Location Certificate and sketch dated March 29, 2017
7. Caveat 3916247
8. Plans (5pages)
9. Report from the Urban Planning Division dated September 5, 2017
10. Inspection Report
11. Recording of Representations

REPRESENTATIONS:

In Support:

Doug Fawcett

In Opposition

Nil

For Information:

E. Hyworon

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
R. Hayer, Urban Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 11/2017

ADMINISTRATIVE REPORT

Title: DASZ 11/2017 – 860 St. James Street

Issue: Proposed Plan of Subdivision and Rezoning that would:

- Reconfigure five lots and subdivide into five (5) parcels;
- rezone Parcels D & E from "M1" Manufacturing – Light District to "C3" Commercial – Corridor District.

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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 11/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 11/2017 dated September 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 11/2017 dated September 12, 2017 to "C3" Commercial Corridor Zoning District, subject to the following:

   A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter* to include the following conditions:

      1. The Owner must submit plans showing the location and design of any and all proposed:

i. buildings;

ii. accessory parking areas;

iii. private approaches;

iv. garbage enclosures;

v. fencing;

vi. landscaping; and

vii. free-standing signage

on the Owner's Land ("Works") to the Assiniboia Community Committee and the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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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 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 applicant is proposing to reconfigure five properties and subdivide into five (5) parcels; Parcel A, B, C, D, & E, and rezone Parcel D & E from an “M1” Manufacturing Light district to a “C3” Commercial Corridor district that would establish consistent zoning across all five (5) lots for commercial use.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 11/2017) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned consistent with the map provided in Schedule “A” of this report.

CONSULTATION

The City’s Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

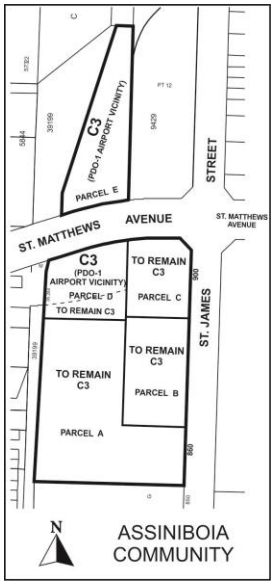
Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	September 5, 2017
File No.	DASZ 11/2017

Attachments

- Appendix “A,” Planning Discussion
- Schedule “A,” of File DASZ 11/2017, Assiniboia Community Committee, dated September 12, 2017.
- Schedule “B,” Report of the Administrative Co-ordinating group, dated May 3, 2017, Re: proposed subdivision and rezoning of land located at 860 St. James Street – File No. DASZ 11/2017.

Appendix "A," Planning Discussion

DATE:	September 5, 2017
FILE:	**DASZ 11/2017**
RELATED FILE:	
COMMUNITY:	Assiniboia
NEIGHBOURHOOD #:	2.125 (Polo Park)
SUBJECT:	proposed plan of subdivision and proposed rezoning that would: • reconfigure five properties and subdivide into five (5) lots – Parcel A, B, C, D, & E; and • rezone lots D & E to "C3" Commercial Corridor Zoning District.
LOCATION:	860 St. James Street
LEGAL DESCRIPTION:	TITLE # 2783623/1 – PCL H Plan 49960 WLTO in RL 1 Parish of St. James TITLE # 2783622/1 – Lot 11 Plan 9429 WLTO in RL 41 Parish of St. James TITLE # 2788513/1 Firstly, Lot 5 Plan 39198 WLTO in RL 41 Parish of St. James Secondly, Parcels L & Q Works Plan 57393 WLTO In RL 39, 40, 41 Parish of St. James TITLE # 2841842/1 – Lot 4 Plan 3998 WLTO in RL 41 Parish of St. James TITLE # 1779221/1 – Ness Avenue and St. Mathews Avenue Plan 39198 WLTO in RL 41 Parish of St. James



APPLICANT: Fillmore Riley LLP, Doug Fawcett
1700-360 Main Street
Winnipeg, MB
R3C 3Z3

OWNER: Oxbow Holdings LTD.
200-5 Donald Street
Winnipeg, MB
R3L 2T4

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site, identified on Figures 1 and 2 of this attachment, is located on the west side of St. James, in the Polo Park neighbourhood of the St James - Brooklands - Weston ward.
- The site is within the Mature Communities Policy area under the *Complete Communities Direction Strategy*. The property is zoned 'C3'Commercial – Corridor.
- The site is comprised of five (5) properties, providing a total planning area of +/- 284,000 square feet (6.5 acres).
- Four (4) lots are located on the south side of St. Mathews Avenue, and one (1) lot is partly on the north side of St. Mathews Avenue and partly on the south side of St. Mathews Ave.
- Lots entirely on the south side of St. Mathews Avenue include:
    - Title no. 2783623: PARCEL H PLAN 49960 WLTO IN RL 41 ST. JAMES.
    - Title no. 2783622: LOT 11 PLAN 9429 WLTO IN RL 41 ST. JAMES.
    - Title no. 2841842: LOT 4 PLAN 39198 WLTO IN RL 41 ST. JAMES.
        - This lot was formerly owned by the City of Winnipeg, and has been legally transferred to Oxbow Holdings Ltd.
    - Title no. 1779221: Parcel D PLAN 60878.
        - This lot is in the process of being subdivided by the City of Winnipeg, out of which Parcel D, Deposit Plan 1408/2015 will be created, which will be transferred to Oxbow Holdings Ltd.
- The following lot is partly on the north side of St. Mathews Avenue and partly on the south side of St. Mathews Avenue:
    - Title no. 2788513: PARTLY LOT 5 PLAN 39198 WLTO & PARCELS L & Q PLAN 57393 IN RL 41 ST. JAMES.

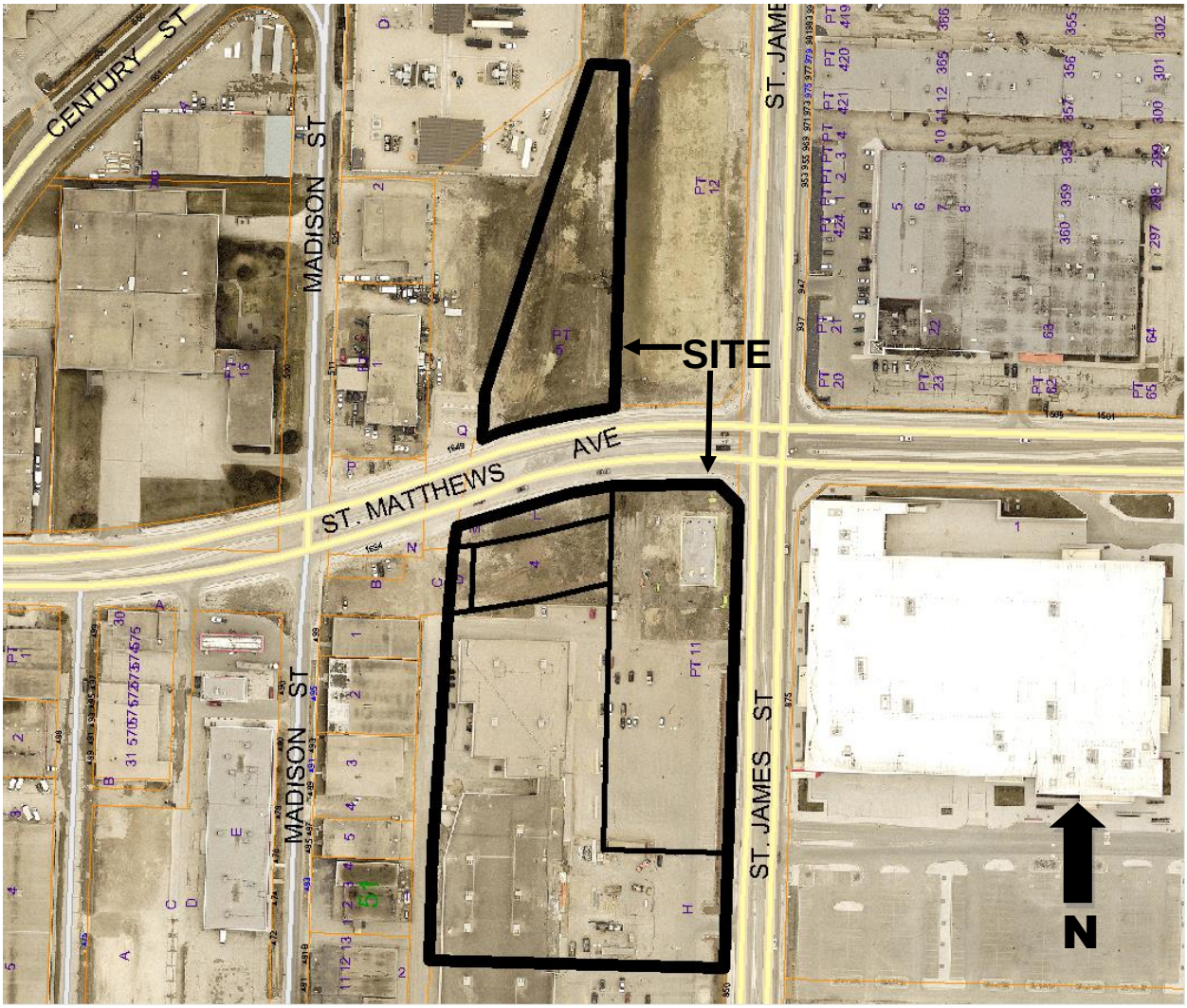


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SITE CONTEXT SURROUNDING LAND USE AND ZONING (See Figure 2)

North: The recently established St. Matthews Avenue extension then commercial uses zoned "C3" Commercial Corridor, and Manufacturing uses zoned "M1" Manufacturing.

South: Commercial uses zoned "C3" Commercial Corridor.

East: St. James Avenue the commercial uses zoned "C3" Commercial Corridor.

West: Manufacturing uses zoned "M1" Manufacturing Light.

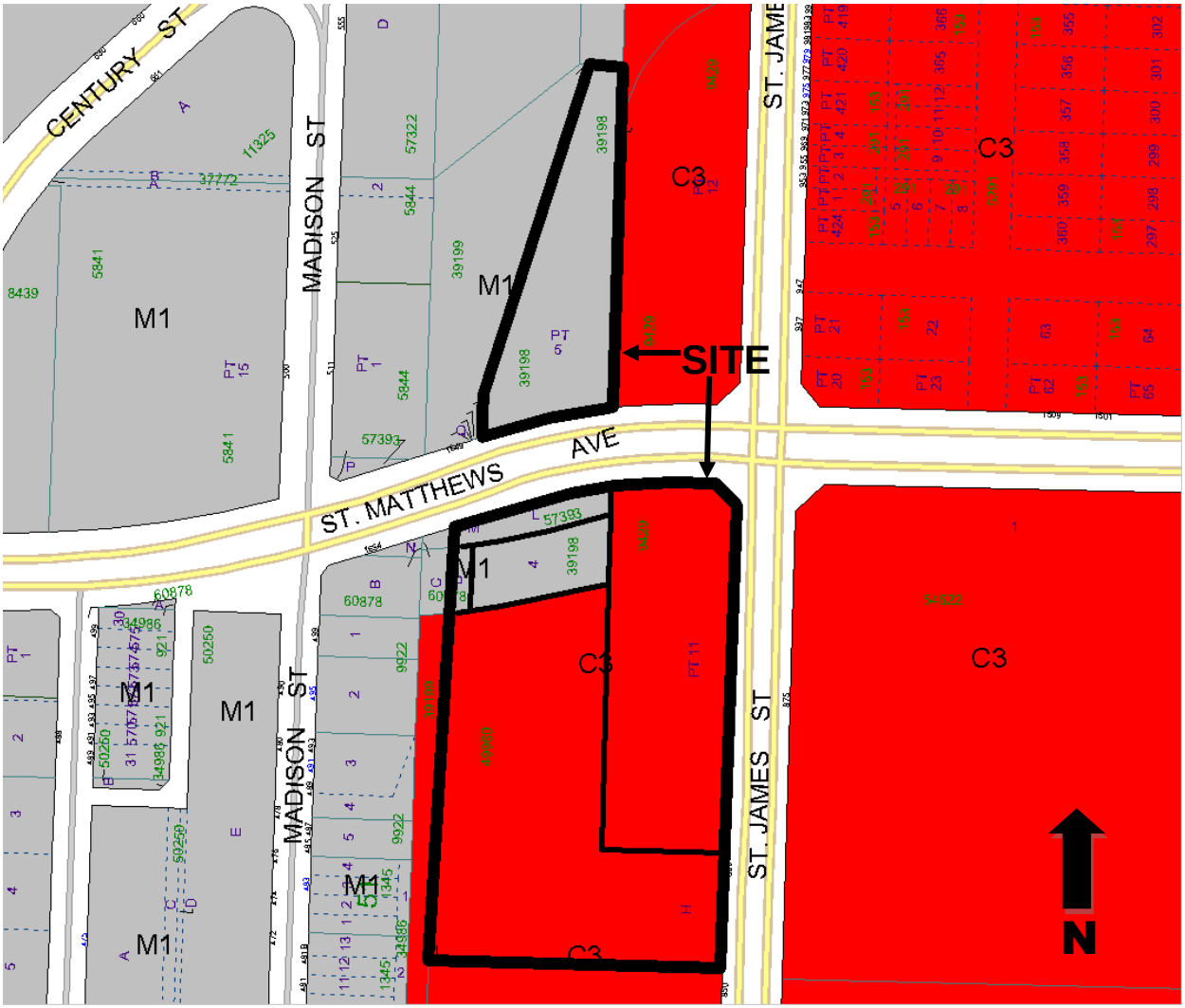


Figure 2: Existing zoning of the subject site and surrounding area.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- In 2015, as part of the Polo Park Infrastructure Improvements project, St. Mathews Avenue was extended from Century Street to St. James Street. As further described on Figure 4 of this report, the St. Mathews extension involved a land transfer to acquire land from Oxbow Holdings Ltd. between Madison Street and St. James Street. In exchange, the City of Winnipeg would close and transfer part of the old St. Mathews Avenue right-of-way land (in-progress) and a City owned parcel to Oxbow (completed).
- As a result of the road extension, the property under Title no. 2788513 was split by the new St. Mathews Avenue right-of-way. A portion of that property is now on the south side of St. Mathews Avenue, and this portion would become part of the new proposed Parcel D and rezoned to ‘C3’ Commercial – Corridor under the subject application. The remaining portion of the lot on the north side of St. Mathews would also be rezoned to ‘C3’ to accommodate a future commercial development.

- Under the subject application, the applicant is proposing to reconfigure the subject five properties and subdivide into five (5) parcels in order to separate titles for specific development plans, and establish consistent ‘C3’ zoning for all of the parcels.
- Parcel A would
    - maintain an existing building (current tenants include *Save on Foods* and *Hockey Life*) which encompasses approximately 55,015 square feet of commercial retail space;
    - remain zoned ‘C3’Commercial – Corridor; and,
    - have a total area of 116,968 square feet.
- Parcel B would
    - encompass a surface parking lot with parking spaces serving the surrounding commercial businesses on-site;
    - remain zoned ‘C3’ Commercial – Corridor; and,
    - have a total area of 45,723 square feet.
- Parcel C would
    - include an existing building which encompasses 4,118 square feet of restaurant and office space;
    - remain zoned ‘C3’ Commercial – Corridor; and,
    - have a total area of 32,899 square feet.
- Parcel D would
    - be developed in the future with a building encompassing 17,704 square feet of commercial retail space;
    - be rezoned from ‘M1’ Manufacturing – Light to ‘C3’ Commercial – Corridor;
    - have a total area of 37,071 square feet;
    - have an easement from the City of Winnipeg to Centra Gas for an underground gas line;
    - have an easement from the City of Winnipeg to Canadian National Railway Company for underground fiber optic cables; and,
    - have an easement registered against the northern border of proposed parcels C and D from Oxbow holdings Ltd. to Centra Gas to accommodate the relocation of a gas line off of the closed St. Mathews Avenue right-of-way lands, which are being transferred to Oxbow from the City as described above.
- Parcel E would
    - be rezoned from ‘M1’ Manufacturing – Light to ‘C3’Commercial – Corridor;
    - would have a total area of 52,175 square feet; and,
    - have a triangular easement from Oxbow to Manitoba Hydro in the southwest corner for underground cables.

- There are currently no plans of development for Parcel E and it is included under the subject application because a piece of the current parcel is on the south side of St. Mathews Avenue and would become part of proposed Parcel D.

Site Design and Access

- Although final plans for the proposed new building on Parcel D would be subject to Plan Approval, preliminary building elevations and site plans submitted with the subject application show the development would be an extension of the existing commercial retail big-box style development on the west side of St. James Street. The proposed development would:
    - have vehicular access from St. Mathews Avenue and St. James Street;
    - have a pedestrian connection on the north side providing access between the front entrance of the proposed building and the sidewalk along St. Mathews Avenue;
    - include a new 28 feet high pylon sign near the vehicular approach from St. Mathews Avenue; and,
    - would be designed in a manner generally consistent with existing commercial-retail structures on-site.

Landscaping

- Although final landscaping plans would be subject to Plan Approval, preliminary landscaping plans submitted with the subject application show:
    - that all existing landscaping in the parking lot interior areas would be maintained;
    - existing street edge landscaping for proposed Parcel C would be maintained; and
    - new building foundation and street edge landscaping would be provided in accordance with *Zoning By-law 200/2006* requirements for the proposed new commercial building on proposed Lot D to include
        - 20 Mock Orange; 19 Mango Tango Potentilla; and 16 Blue Belle Honeyberry Shrubs.
        - 2 Silver Maple; and 3 Baby Blue Eyes Spruce trees.

Parking

- Following the development of the new commercial-retail building on proposed Parcel D, the total parking requirement for the subject site would be 592 parking spaces for the portion of commercial development on the south side of St. Mathews Avenue.
- Currently there are 827 parking spaces that serve the entire existing commercial-retail development along the west side of St. James Street, between Silver Avenue and St. Mathews Avenue (current tenants include *Best Buy, Old Navy, Michaels, Save on Foods*, *Hockey Life*, and a new office and restaurant pad site), and would also provide parking for development on proposed Parcel D.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.
- The site is in the "Area of Stability – Mature Communities" policy area of *OurWinnipeg* and *Complete Communities*. The Key Direction of *OurWinnipeg* and *Complete Communities* that only applies to "Areas of Stability" states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- Section 04 of *Complete Communities* contains Directions and Policies that also only apply to Areas of Stability. Key policies guiding development within Areas of Stability include:
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
    - *Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.*
    - *Encourage intensification to occur at centres and along corridors.*
    - *Support a mix of commercial services and employment uses that serve the local community.*
    - *Provide opportunities to increase multi-modal connectivity when redevelopment occurs.*
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- **'C3' Commercial Corridor:** is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- **'M1' Manufacturing Light:** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

Dimensional Standards						
Zoning District	**Minimum/Maximum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Interior Side Yard (Ft.)**	**Minimum Corner Side Yard (Ft.)**	**Maximum Height of Building (Ft.)**	**Maximum Floor Area Ratio**
C3	25/NA	25 (note b)	0 (note b)	25	49	1.5
M1	25	0 (note a)	0 (note a)	15	50	2.0
Note A:	Where the rear or side lot line abuts the side or rear lot line of an R1, R2 or RMF zoning district, a 25 foot yard must be provided along the side or rear lot line. The side or rear yard must be landscaped pursuant to sections 188 through 193, Landscaping and Buffering, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.					
Note B:	Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side yard must be landscaped pursuant to sections 188 through 193, Landscaping and Buffering, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.					

SUBDIVISION AND REZONING

- The applicant is proposing the subject subdivision and rezoning with the intent of separating titles of the parcels for specific development plans and establishing consistent ‘C3’ zoning for all of the parcels.
- Although the “M1” zoning district does allow for the development of commercial-retail buildings, the zone is primarily intended for light-manufacturing uses. Given that the subject site is on a commercial mixed-use corridor and near the Polo Park commercial centre, a commercial-retail type development would be consistent with the surrounding area and the proposed rezoning to “C2” would ensure future development on those lands would be compatible with the commercial nature of this neighbourhood.

Consistency with OurWinnipeg and Complete Communities

- The subject proposal is generally consistent with the above policies of *Complete Communities* because:
    - it would enable the development of commercial uses, which is a typical land use in the area in which the site is located;
    - would be located on an existing commercial corridor and near an established commercial centre;
    - the proposed development would be located near a cycle path on St. Mathews that provides an active bicycle connection between neighbourhoods to the east and west;
    - the proposed development would be located near a bus route on St. James Street that connects the subject area with Polo Park, Garden City, and Kildonan Place/Regent Avenue amenities as well as Seven Oaks Hospital and the Red River Notre Dame Ave campus; and

    - the proposed plan of subdivision and rezoning would facilitate additional commercial development, which would add to the mix of commercial amenities in the area and allow for a more efficient use of existing and future infrastructure.

- Therefore, the proposed plan of subdivision and rezoning comply with the aforementioned policies of *OurWinnipeg* and *Complete Communities*.

Compatibility with the Surrounding Neighbourhood

- The *Complete Communities Direction Strategy* encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form. Given that the proposal is for the establishment of commercial property that would contribute to the mix of retail amenities in the Polo Park commercial centre, and the proposed development on Parcel D would be similar in scale and form to the big-box commercial developments in the area, the subject proposal would be compatible with the surrounding neighbourhood.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Assiniboia Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Assiniboia Community Committee to review final plans before development takes place on the subject site, and for any future developments on the Parcels.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and compatible with the surrounding area.

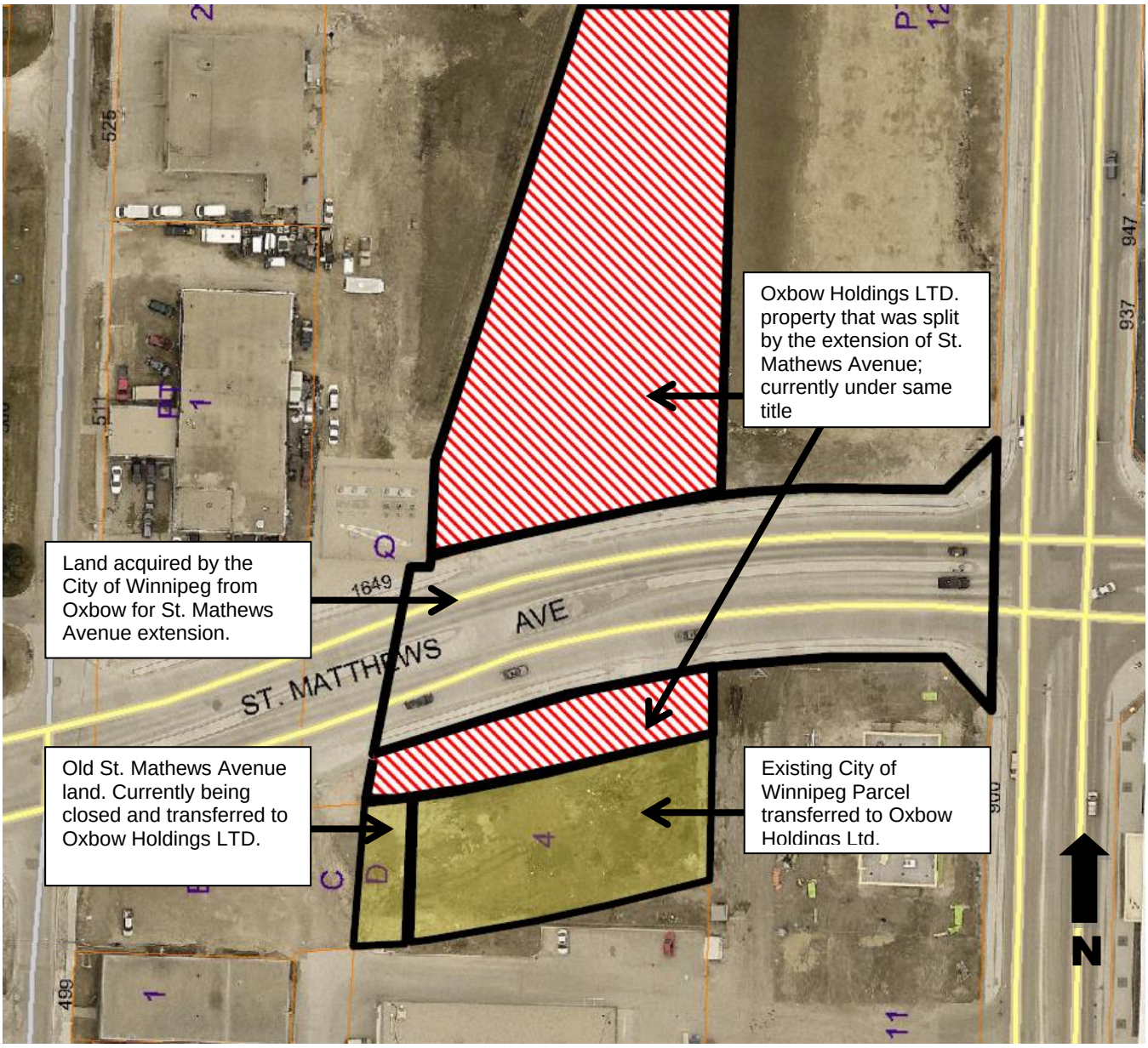


Figure 4: Land transfers related to the extension of St. Mathews Avenue extension.

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

Report Prepared by:
Rakvinder Hayer, MCP

PPD File #:
DASZ 11/2017

Schedule "A" of File DASZ 11/2017, Assiniboia Community Committee,September 12, 2017

By-Law No. _____

File No. **DASZ 11/17**

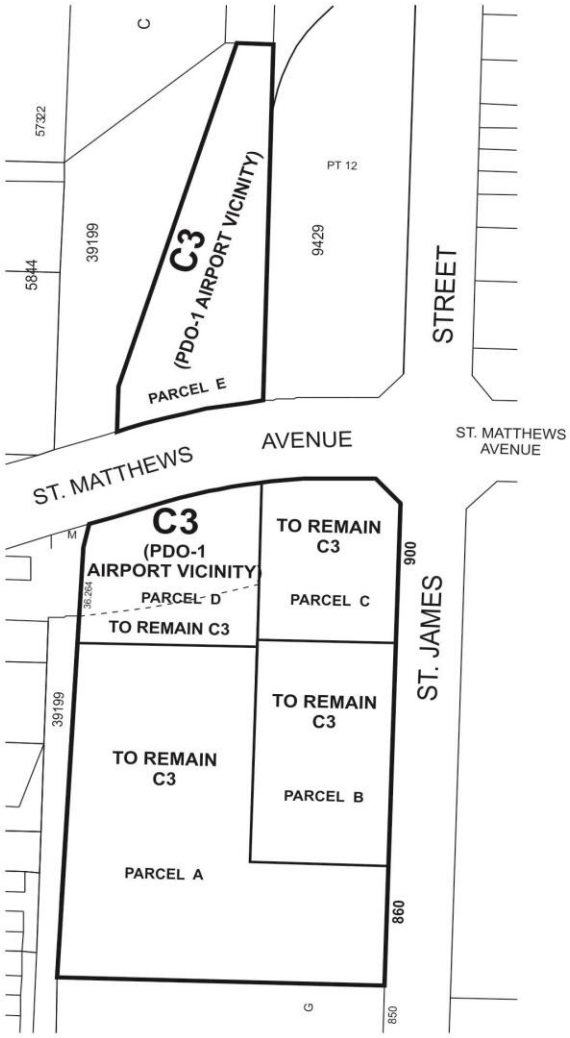
Atlas Sheet No.

N

AA20 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 North and South of St. Matthews Avenue, West of St. James Street from an "M1 PDO-1 AIRPORT VICINITY" MANUFACTURING LIGHT DISTRICT to a "C3 PDO-1 AIRPORT VICINITY" COMMERCIAL CORRIDOR DISTRICT to facilitate the construction of commercial buildings on Parcels D and E as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP (ACG) – May 3, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH AND SOUTH SIDE OF ST. MATTHEWS AVENUE, WEST OF ST. JAMES STREET – ASSINIBOIA CUMMUNITY DASZ 11/2017

It is recommended that the approval of DASZ 11/2017, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Wastewater Sewer

   The applicant shall construct, at no expense to the City, all wastewater sewers required to service the proposed lots on St. Matthews Avenue as determined by and to the satisfaction of the Director of Water and Waste.

2) Watermain

   The applicant shall pay to the City, prior to the release of mylars, their share of the water main previously installed in St. Matthews Avenue as determined by the Director of Water and Waste.

3) Services on St. Matthews Avenue

   The Developer shall prior to the release of mylars , pay to the City, their share of the cost of the following services previously installed in St. Matthews Avenue, abutting the Planned Area:

   a) Pavement
   b) Street Lighting
   c) Sidewalks
   d) Boulevard landscaping
   e) Land Drainage

   As determined by and to the satisfaction of the Director of Public Works.

4) Services on St. James Street

   The Developer shall prior to the release of mylars, pay to the City, their share of the cost of the following services previously installed in St. James Street, abutting the Planned Area, if appropriate:

   a) Pavement
   b) Street Lighting

c) Sidewalks
d) Boulevard landscaping
e) Land Drainage

As determined by and to the satisfaction of the Director of Public Works.

5) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 11/2017
September 5, 2017

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj