Agenda – Council – November 15, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 7, 2017

Item No. 2 Subdivision and Rezoning – 1280 Notre Dame Avenue (Daniel McIntyre Ward) File DASZ 19/2017 [c/r DAV 128302/2017D]

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision under file DASZ 19/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 19/2017 dated September 1, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the applicant shall, at no expense to the City, legally open property required to provide a cycling facility through the northwest corner of the Planned Area, as per Drawing No. PR17-03, as shown in Schedule "B" , to the satisfaction of the Director of Public Works

    B. 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.

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 19/17 dated September 1, 2017 to a "M1" Manufacturing Light District, subject to the following conditions:

    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:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 7, 2017

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 City Centre Community Committee and 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 Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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

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 the 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 and execution of the City of the Servicing Agreement.

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 registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 7, 2017

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within one (1) year 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 one (1) year 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 7, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 8, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 7, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 10, 2017, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the words "the City Centre Community Committee and" to Recommendation 2.A.i. immediately before "the City's Director of Planning, Property and Development"

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

RE: **Subdivision and Rezoning – 1280 Notre Dame Avenue**
File DASZ 19/2017

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

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **October 11, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 10, 2017, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under file DASZ 19/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 19/2017 dated September 1, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the applicant shall, at no expense to the City, legally open property required to provide a cycling facility through the northwest corner of the Planned Area, as per Drawing No. PR17-03, as shown in Schedule "B" , to the satisfaction of the Director of Public Works

    B. 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.

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 19/17 dated September 1, 2017 to a "M1" Manufacturing Light District, subject to the following conditions:

    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. 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 City Centre Community Committee and*** 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 Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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

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 the 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 and execution of the City of the Servicing Agreement.

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 registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 one (1) year 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 one (1) year 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.

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

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

1. This is an eyesore and I'm happy to see that there's going to be some development.

2. I'm also happy to see in the report that they're going to be doing some landscaping on there to make sure that the property looks cleaned.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 5, 2017, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 10, 2017 at 6:00 p.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

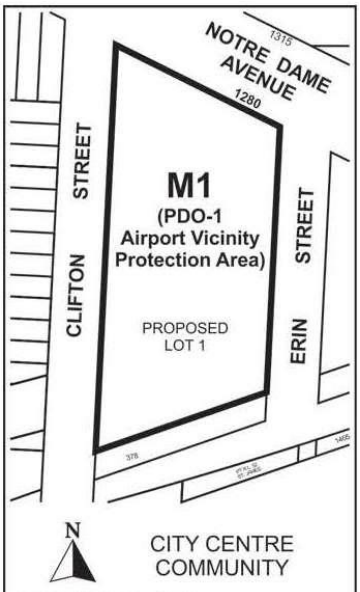
File: DASZ / DAZ/2017

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

Public Hearing: October 10, 2017
September 5, 2017
Council Building, 510 Main Street

Applicant: GW Architecture Inc. (Bailey Wall)

Subject:



APPLICANT : GW ARCHITECTURE INC.
FILE : DASZ 19/17
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 outlined above from an "M3 PDO-1 Airport Vicinity Protection Area" MANUFACTURING HEAVY DISTRICT to an "M1 PDO-1 Airport Vicinity Protection Area" MANUFACTURING LIGHT DISTRICT to facilitate the consolidation of lands for the construction of additional commercial/retail buildings. **For information, phone Mr. D. Harris, Planner, at 204-986-7211.**

Premises Affected: 1280 Notre Dame Avenue

Exhibits Filed:

1. Application dated May 15, 2017
2. Notification of Public Hearing dated June 28, 2017
3. Manitoba Status of Title 2880382/1
4. Letter of authorization dated March 27, 2017 from Chie Ominga, 5444498 Manitoba Ltd. to GW Architecture Inc.
5. Map of subject property
6. Plans (3 pages)
7. Report from the Urban Planning Division dated August 29, 2017
8. Inspection Report dated September 5, 2017
9. Notice of Adjournment dated September 11, 2017
10. Report from the Urban Planning Division dated October 3, 2017
11. Inspection Report dated October 10, 2017
12. Recording of Representations

REPRESENTATIONS:

In Support:

Garry Bistyak
Romeo Ominga
Teresita Ominga
Bailey Wall

In Opposition

Nil

For Information:

Nil

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit " 10 " referred to in File DASZ 19/2017

ADMINISTRATIVE REPORT

Title: DASZ 19/17 1280 Notre Dame Ave.

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 12/19– 615 1280 Notre Dame Ave to rezone the subject property to an "M1" District

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Harris (MCP)	B. Smith, (RPP)	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under file DASZ 19/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 19/2017 dated September 1, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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   B) 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.

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 19/17 dated September 1, 2017 to a "M1" Manufacturing Light District, subject to the following conditions:

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) 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.

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

REASON FOR THE REPORT

- The applicant is proposing to rezone the subject property from a “M3” Manufacturing Heavy district to a “M1” Manufacturing Light district for the establishment of three new commercial buildings while maintaining a restaurant and drive-thru use at 1280 Notre Dame Ave.
- Subdivision 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** and **rezoned**.

CONSULTATION

In preparing this report there was consultation with:

Public Works

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Harris, MCP
Date:	October 3, 2017
File No.	DASZ 19/17

APPENDIX 'A'

DATE: September 1, 2017

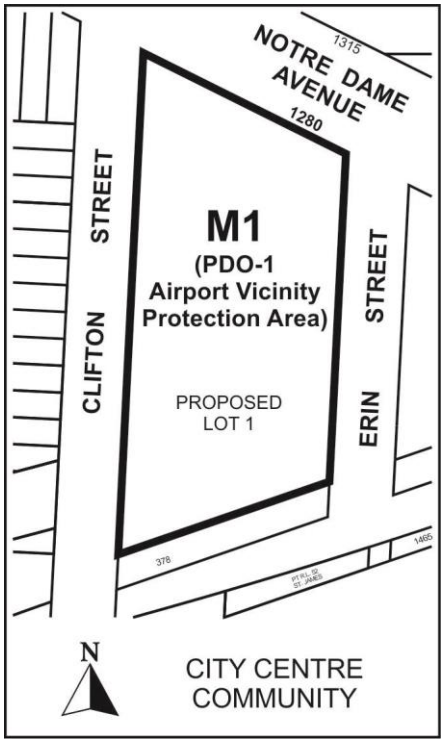
FILE: **DASZ 19/17**

RELATED FILES: DAV 17-128302D

COMMUNITY: City Centre Committee

NEIGHBOURHOOD #: **1.665 Sargent Park**

SUBJECT: To rezone the subject land from M3 to M1 to permit the establishment of three new commercial buildings and the maintenance of one restaurant and drive-thru use.



LOCATION: 1280 Notre Dame Ave.

LEGAL DESCRIPTION: Lots 5 to 20 Block 1 Plan 211 WLTO (W Div) Exc out of said lots 19 and 20 right of way on RLY plan 378 WLTO in RL 51 parish of St James.

All those portions of lots 19, 20 and 21 Block 1 Plan 2111 WLTO (W DIV) lying south of the northern limit of right of way on RLY Plan 378 WLTO which lie north of a straight line drawn from a point in the western limit of Erin street distant sly thereon 304.9 feet from the southern limit of Notre Dame Avenue said line forming an angle on its northern side of 111 degrees and 52 minutes with the said western limit of Erin Street in RL 51 Parish of St. James.

Lots 1 to 12 Block 1 Plan 237 WLTO (W DIV) in RL 52 Parish of St. James.

All that portion of RL 52 Parish of St James bounded as follows; on the north by the southern limit of said Lot 12 Block 1 Plan 237 WLTO, on the west by the western limit of Erin Street and on the south by a straight line drawn wly from point in the said western limit of Erin Street distant sly theron 304.9 feet from the southern limit of Notre Dame Avenue said straight line making an angle on its northern side of 111 degrees and 52 minutes with the said western limit of Erin Street.

APPLICANT: Bailey Wall (GW Architeture Inc.)

6th floor 44 Princess Street.

Winnipeg , Manitoba R3B 1K2

OWNER: 5444498 Manitoba Ltd.

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the south side of Notre Dame Ave, in the Sargent Park neighbourhood of the Daniel Mcintyre ward
- The site is located in a General Manufacturing policy area as designated in the *Complete Communities* Direction Strategy.
- The subject property is zoned “M3” Manufacturing Heavy and is 1.7 acres (74 052 sq. ft.) in area.
- A drive thru restaurant is currently located on site.

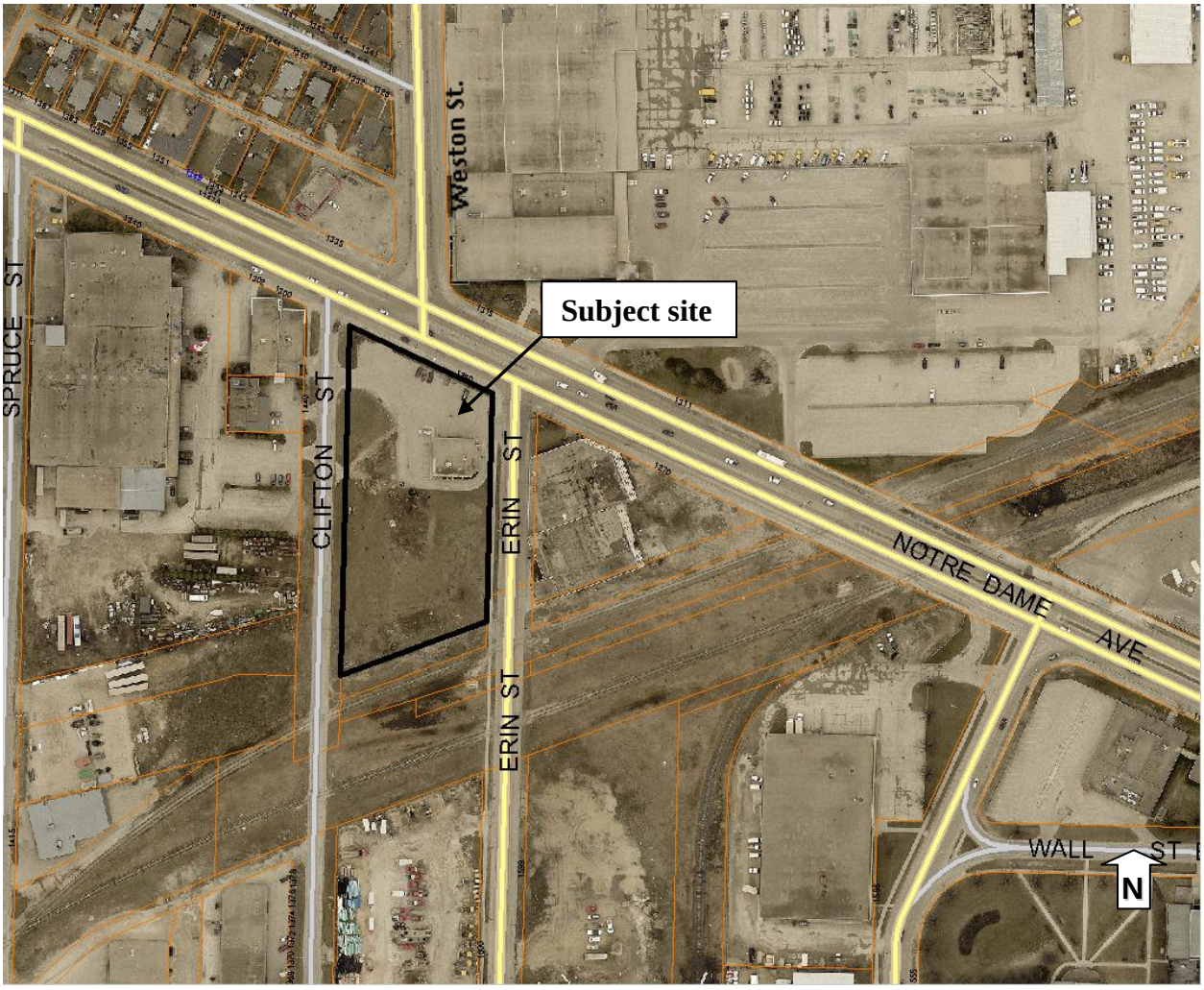


Figure 1: Subject site and surrounding area (flown 2016)

SURROUNDING LAND USE AND ZONING

The subject area is characterized by a mix of industrial, commercial and residential uses. Directly adjacent land uses include:

North: Notre Dame Avenue then industrial uses zoned “M2” Manufacturing General District east of Weston St. and “C1” Commercial Community on the west side of Weston St.

South: Railroad tracks, then industrial uses zoned “M3” Manufacturing Heavy District.

East: Erin Street, then a warehouse building zoned “M2” Manufacturing General District.

West: Clifton Street, then light manufacturing uses zoned “M3” Manufacturing Heavy District.

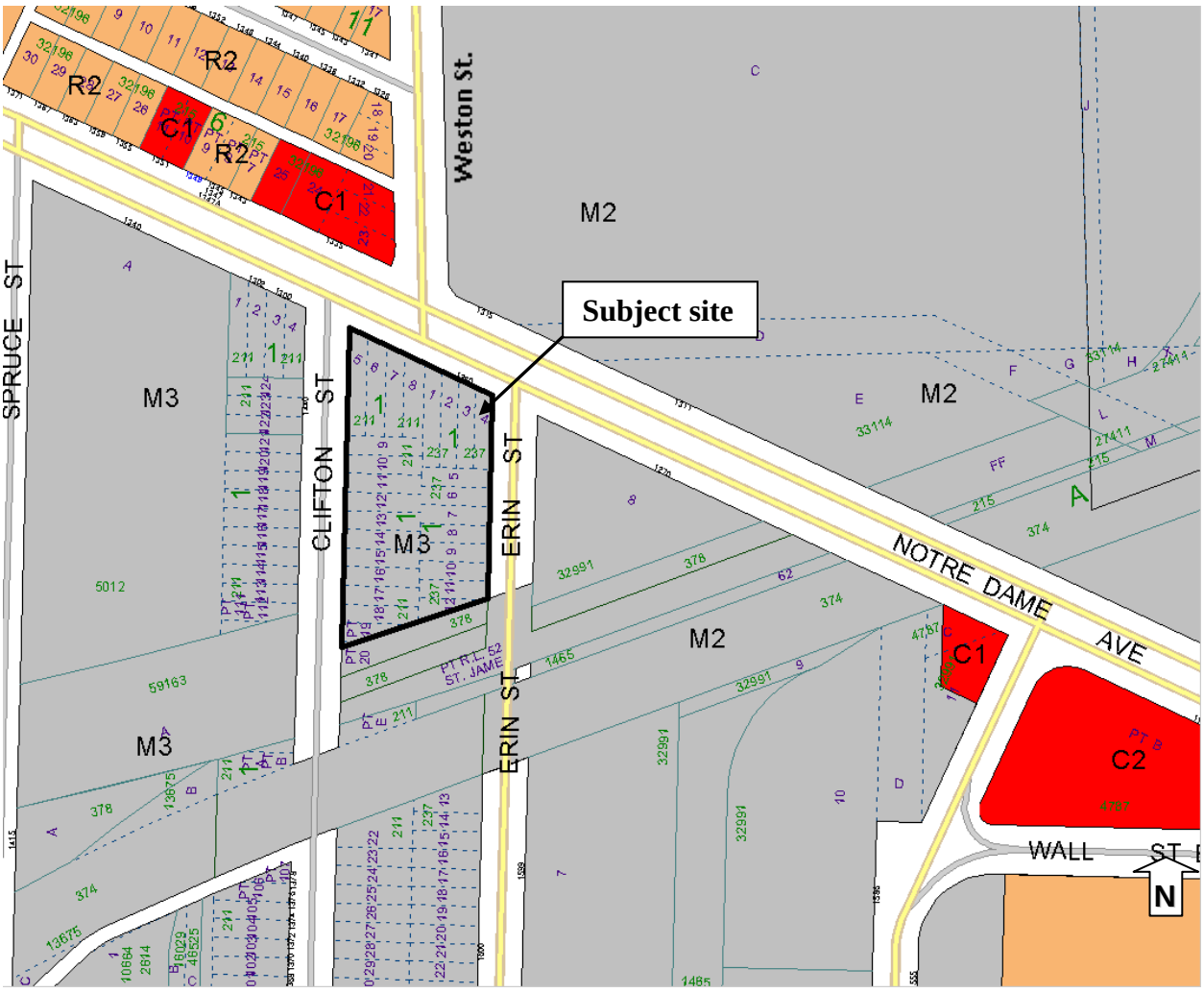


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to downzone the subject property from an “M3” Manufacturing Heavy district to a “M1” Manufacturing Light district to enable further commercial development on site.
- The proposed DASZ application will consolidate the existing 28 lots into one lot zoned “M1”.
- Three new commercial buildings will be constructed including a convenience store on the north west corner of the property and two commercial rental units on the southern portion of the property. The existing drive thru restaurant will be maintained.
- The proposed redevelopment will provide 77 motor vehicle parking spaces including four (4) accessible stalls and two (2) van accessible stalls.
- The existing motor vehicle approach on Notre Dame will be closed and the sidewalk will be reinstated.
- Long term secure bicycle parking will be provided on site for staff as well as bicycle parking for customers accessing businesses on site.
- Pedestrian pathways will be provided throughout the site to enable safe and efficient pedestrian circulation.
- Landscaping will be provided along the Notre Dame, Erin and Clifton street fronts. Ornamental fencing will also be installed along the Notre Dame and Erin street fronts.
- Lastly, architectural treatments of proposed buildings will be carried around all building sides, creating a high quality built environment.
- One associated variance (DAV 17-128302D) requesting a reduced front yard is required to enable the proposed development concept.

REASON FOR APPLICATION

- Commercial/retail uses are not permitted in the “M3” Manufacturing Heavy District. Consequently, a rezoning to the “M1” Manufacturing Light District, which permits retail/commercial uses is required.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

- The subject property is within a General Manufacturing Area as designated in the *Complete Communities* direction strategy.
- General Manufacturing areas consist of existing, typically planned industrial areas that contain a mix of light industrial uses at varying intensities.
- While the City aims to preserve general manufacturing areas for industrial uses, *Complete Communities* encourages the introduction of other, complimentary uses, particularly on vacant or obsolete sites and along major corridors, such as Notre Dame Ave.
- 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 the subject site is partially vacant, located along a major corridor, and will provide complimentary commercial/retail uses, the proposed rezoning of 1280 Notre Dame from "M3" to "M1" is consistent with the vision established for General Manufacturing areas as stated in the *Complete Communities* direction strategy.

ZONING BY-LAW 200/2006

The proposed rezoning to "M1" Manufacturing Light would enable the addition of commercial uses at 1280 Notre Dame Ave.

Zoning By-law 200/2006 describes the M1 zone as "intended to provide for light manufacturing processing, service, storage, wholesale and distribution operations with all operations contained within an enclosed building with some limited outside storage."

Despite an emphasis on manufacturing processes, the M1 district permits many commercial uses. The flexible nature of the M1 zone allows for the creation of well-rounded industrial areas, providing services and amenities to those working in manufacturing areas. Given the subject site falls within a General Manufacturing policy area in *Complete Communities,* the subject property could not be rezoned out of a Manufacturing zoning district. As a result, the M1 zone is the most appropriate zoning district to enable the proposed development.

For these reasons, the Urban Planning Division recommends **approval** of DASZ 19/17 at 1280 Notre Dame to rezone the subject property to "M1" Manufacturing Light district.

ADDITIONAL CONSIDERATIONS

- The City of Winnipeg's *Pedestrian and Cycling Strategies* identifies Clifton St. as a future bicycle boulevard.
- Although bicycle boulevards are a type of cycling facility that is most often contained within an existing right of way, the Public Works Department has indicated a portion of the applicant's property at 1280 Notre Dame Ave is required to enable the optimal alignment of the bicycle boulevard on Clifton Ave. with its northern connection on Weston St.
- For this reason, as a condition of approval for application DASZ 19/17 (see condition 1 A.), the Public Works Department is requesting to take a portion of the applicant's property at the north west corner of the subject property.
- Analysis of the proposed taking has been undertaken in collaboration with the Public Works Department and the applicant. Analysis revealed the proposed taking will not alter or negatively affect the proposed site plan.

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 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
- Maintain the portion of the 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 given the backs of the buildings face public streets (Erin and Clifton Streets)

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 the *Complete Communities* direction strategy

RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned to a M1 – Manufacturing Light district.

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

Report Prepared by: Dylan Harris, MCP
PPD File # DASZ 19/17 – 1280 Notre Dame Ave

Schedule "A" for File DASZ 19/17, City Centre Community Committee, September 1, 2017

By-Law No. _____

File No. **DASZ 19/17**

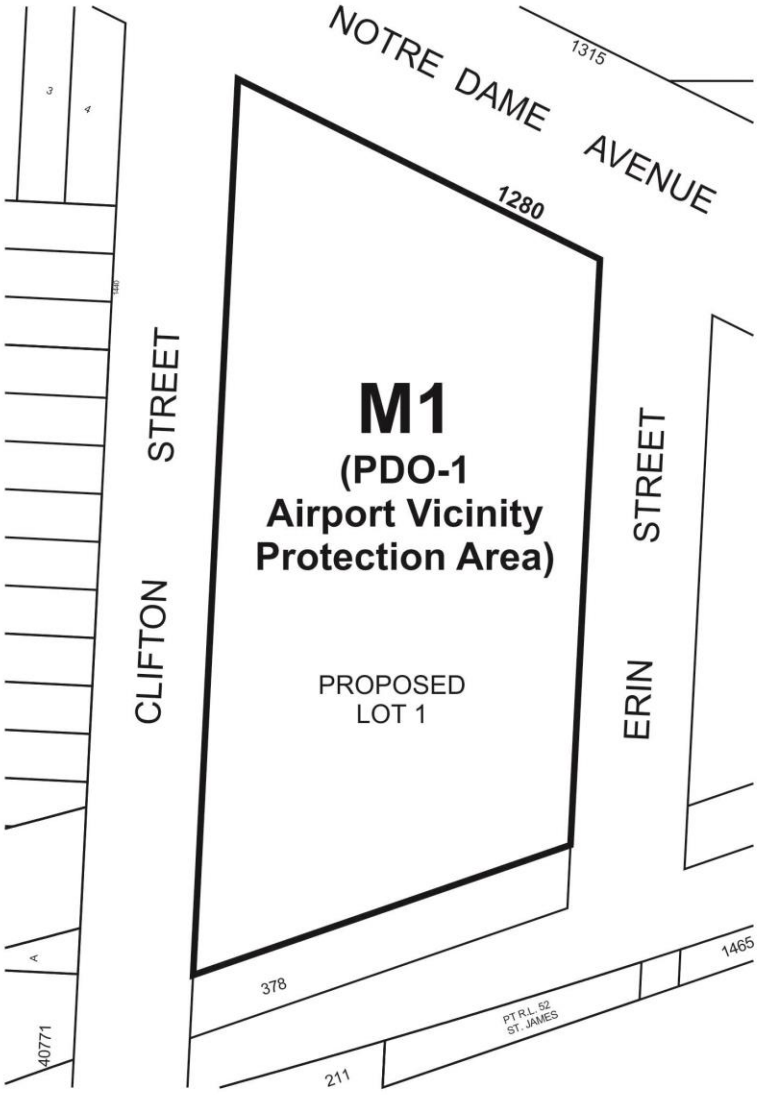
Atlas Sheet No.

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 PDO-1 Airport Vicinity Protection Area" MANUFACTURING HEAVY DISTRICT to an "M1 PDO-1 Airport Vicinity Protection Area" MANUFACTURING LIGHT DISTRICT to facilitate the consolidation of lands for the construction of additional commercial/retail buildings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B”

V:\TRANSPORTATION PLANNING DRAFTING\02 – PR\DRAFT\PR17-03 NOTRE DAME AT CLIFTON.DWG

