Agenda – Council – December 13, 2018

Report – Executive Policy Committee – December 5, 2018

Item No. 1 Subdivision and Rezoning – 2700 King Edward Street & Lot 5, Plan 17736
(Old Kildonan Ward)
File DASZ 17/2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2018, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 17/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2018 dated November 19, 2018 with such minor changes as may be required, and 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 August 15, 2018.

    B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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 17/2018 dated November 19, 2018, to an "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" 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 – Executive Policy Committee – December 5, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

i. That for the establishment of any Senior High School use on the subject lands, the following development standards shall apply:

   a. Minimum front yard of 20 feet.
   b. Minimum rear yard of 25 feet.
   c. Minimum interior side yard of 25 feet.
   d. Minimum reverse corner street side yard of 30 feet.
   e. Maximum building height of 35 feet.
   f. Maximum lot coverage of 50 percent.
   g. Each high school use must provide queuing spaces for the unloading and loading of passengers to accommodate three (3) school buses and three (3) passenger vehicles, and that such queuing spaces may be located within the front yard, as allowed in Table 5-7 of Zoning By-law 200/2006, permitted projections.

ii. That the following principal uses shall not be permitted on the land anywhere along the King Edward Boulevard and Commercial Avenue frontage(s) to a depth of 200 feet:

   a. Motor vehicle related, including: Auto/light truck/motorcycle, Repair and Service; Auto/light truck/motorcycle, Sales and Rental; Auto Parts and Supplies, Sales; Car Wash; Drive-in or drive-through; Fuel Sales; Parking, Structured; Parking, Surface.
   b. Outdoor Recreation and Entertainment, including Race track.
   c. Industrial related, including: Heavy Equipment Sales, Service and Rental; Outside Storage; Auction Yard; Contractor's Establishment; Fleet Services; Wholesaling.
   d. Manufacturing and production related, including: Heavy Manufacturing; Light Manufacturing.
   e. Utility, including: Utility facility Major and Minor.
   f. Warehouse and Freight Movement, including: Freight or Truck Yard; Mini-warehouse, Self-storage; Warehouse.
   g. Waste and Salvage, including: Recycling Collection Centre; Recycling Plant.
   h. Restricted uses, including: adult service or entertainment, Pawnshop, X-rated store.
   i. Billboard, including: Digital Static copy; Poster.

Report – Executive Policy Committee – December 5, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

3. That the City enter into, execute and deliver with the Owner

   A. a Servicing Agreement in accordance with recommendation 1; and

   B. a Zoning Agreement in accordance with recommendation 2,

   and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

   C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Servicing Agreement.

Report – Executive Policy Committee – December 5, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within 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 this one (1)-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

Report – Executive Policy Committee – December 5, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2018, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 19, 2018, the Lord Selkirk-West Kildonan 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 – 2700 King Edward Street & Lot 5, Plan 17736**
File DASZ 17/2018

For submission to: **Executive Policy Committee**

Prepared by: **P. Prinsloo, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **November 20, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 19, 2018, the Lord Selkirk-West Kildonan 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 under File DASZ 17/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2018 dated November 19, 2018 with such minor changes as may be required, and 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 August 15, 2018.

    B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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 17/2018 dated November 19, 2018, to an "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" 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 establishment of any Senior High School use on the subject lands, the following development standards shall apply:

a. Minimum front yard of 20 feet.
b. Minimum rear yard of 25 feet.
c. Minimum interior side yard of 25 feet.
d. Minimum reverse corner street side yard of 30 feet.
e. Maximum building height of 35 feet.
f. Maximum lot coverage of 50 percent.
g. Each high school use must provide queuing spaces for the unloading and loading of passengers to accommodate three (3) school buses and three (3) passenger vehicles, and that such queuing spaces may be located within the front yard, as allowed in Table 5-7 of Zoning By-law 200/2006, permitted projections.

ii. That the following principal uses shall not be permitted on the land anywhere along the King Edward Boulevard and Commercial Avenue frontage(s) to a depth of 200 feet:

a. Motor vehicle related, including: Auto/light truck/motorcycle, Repair and Service; Auto/light truck/motorcycle, Sales and Rental; Auto Parts and Supplies, Sales; Car Wash; Drive-in or drive-through; Fuel Sales; Parking, Structured; Parking, Surface.
b. Outdoor Recreation and Entertainment, including Race track.
c. Industrial related, including: Heavy Equipment Sales, Service and Rental; Outside Storage; Auction Yard; Contractor's Establishment; Fleet Services; Wholesaling.
d. Manufacturing and production related, including: Heavy Manufacturing; Light Manufacturing.
e. Utility, including: Utility facility Major and Minor.
f. Warehouse and Freight Movement, including: Freight or Truck Yard; Mini-warehouse, Self-storage; Warehouse.
g. Waste and Salvage, including: Recycling Collection Centre; Recycling Plant.
h. Restricted uses, including: adult service or entertainment, Pawnshop, X-rated store.
i. Billboard, including: Digital Static copy; Poster.

3. That the City enter into, execute and deliver with the Owner

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within 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 this one (1)-year period and Council approves the extension.

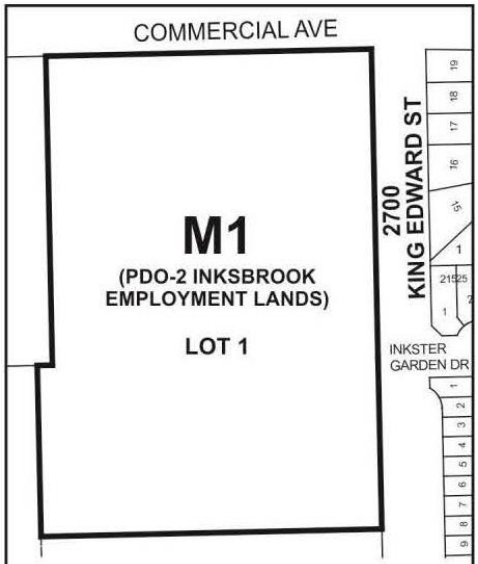
11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. I agree with the administrative report.
2. As things develop, I'd like to ask the applicant to come forward and have a meeting with myself as the ward councillor and I also encourage them to have a meeting with the adjoining ward councillor.

PUBLIC HEARING SUMMARY

File:	DASZ 17/2018
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Eadie, Chairperson Councillor Santos Councillor Sharma
Public Hearing:	November 19, 2018 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc.
Subject:	

APPLICANT: Landmark Planning & Design Inc.
FILE: DASZ 17/2018
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 "A" AGRICULTURAL DISTRICT to a "M1 PDO-2 INKSBROOK EMPLOYMENT LANDS" MANUFACTURING LIGHT DISTRICT to facilitate the consolidation of lands for the establishment of a potential future Senior High School use. **For information, phone Mr. R. Hayer Planner at 204-986-7168.**

Premises Affected: 2700 King Edward Street & Lot 5, Plan 17736

Exhibits Filed:

1. Application dated July 23, 2018
2. Notification of Public Hearing dated October 2, 2018
3. Manitoba Status of Titles 2427885/1, 1840842/1
4. Letter of authorization dated February 28, 2018 from Priscilla Ragnanan, Heron Creek Outfitters Inc. to Landmark Planning & Design Inc.
5. Letter of authorization dated July 4, 2018 from Mile Rendulic, The Winnipeg School Division, to Landmark Planning & Design Inc.
6. Surveyor's Building Location Certificate and sketch dated February 28, 2018
7. Surveyor's Building Location Certificate and sketch dated May 9, 2018
8. Drawing of subject property
9. Plans (2 pages)
10. Report from the Urban Planning Division dated November 9, 2018
11. Inspection Report
12. Presentation in support of the application submitted by the Applicant at the public hearing
13. Recording of Representations

REPRESENTATIONS:

In Support:

Andrei Friesen
Jeff Pratte
Mile Rendulil
Brendan Salakoh
Donovan Toews

In Opposition

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 17/2018

ADMINISTRATIVE REPORT

Title: DASZ 17/2018 – 2700 King Edward Street

Issue: Proposed Plan of Subdivision and Rezoning that would:

- consolidate two (2) lots into one (1) new lot; and
- rezone subject lands from "A" Agricultural district to "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" Manufacturing-Light district with the intent of establishing a Senior High School use.

Critical Path: Lord Selkirk - West Kildonan 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, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 17/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2018 dated November 19, 2018 with such minor changes as may be required, and 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 August 15, 2018.

    B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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 17/2018 dated November 19, 2018, to an “M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay” 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 establishment of any Senior High School use on the subject lands, the following development standards shall apply:

            a. Minimum front yard of 20 feet.

            b. Minimum rear yard of 25 feet.

            c. Minimum interior side yard of 25 feet.

            d. Minimum reverse corner street side yard of 30 feet.

            e. Maximum building height of 35 feet.

            f. Maximum lot coverage of 50 percent.

            g. Each high school use must provide queuing spaces for the unloading and loading of passengers to accommodate three (3) school buses and three (3) passenger vehicles, and that such queuing spaces may be located within the front yard, as allowed in Table 5-7 of Zoning By-law 200/2006, permitted projections.

        ii. That the following principal uses shall not be permitted on the land anywhere along the King Edward Boulevard and Commercial Avenue frontage(s) to a depth of 200 feet:

            a. Motor vehicle related, including: Auto/light truck/motorcycle, Repair and Service; Auto/light truck/motorcycle, Sales and Rental; Auto Parts and Supplies, Sales; Car Wash; Drive-in or drive-through; Fuel Sales; Parking, Structured; Parking, Surface.

            b. Outdoor Recreation and Entertainment, including Race track.

            c. Industrial related, including: Heavy Equipment Sales, Service and Rental; Outside Storage; Auction Yard; Contractor’s Establishment; Fleet Services; Wholesaling.

            d. Manufacturing and production related, including: Heavy Manufacturing; Light Manufacturing.

            e. Utility, including: Utility facility Major and Minor.

            f. Warehouse and Freight Movement, including: Freight or Truck Yard; Mini-warehouse, Self-storage; Warehouse.

            g. Waste and Salvage, including: Recycling Collection Centre; Recycling Plant.

            h. Restricted uses, including: adult service or entertainment, Pawnshop, X-rated store.

            i. Billboard, including: Digital Static copy; Poster.

3. That the City enter into, execute and deliver with the Owner

    A. a Servicing Agreement in accordance with recommendation 1; and

    B. a Zoning Agreement in accordance with recommendation 2,

    and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within 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 this one (1)-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

- The applicant is proposing to consolidate two (2) lots into one (1) lot, and rezone the subject lands from “A” Agricultural district to “M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay” Manufacturing-Light district.
- The intent is to develop a senior high-school and running track on the subject lands.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 17/2018) 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:	November 9, 2018
File No.	DASZ 17/2018

Attachments

- Appendix “A,” Planning Discussion.
- Schedule “A,” of File DASZ 17/2018, Lord Selkirk - West Kildonan Community Committee, dated November 19, 2018.
- Schedule “B,” Report of the Administrative Co-ordinating group, dated August 15, 2018, Re: Proposed Subdivision and Rezoning of land located at 2700 King Edward Street – DASZ 17/2018.

Appendix "A," Planning Discussion

DATE:	November 9, 2018
FILE:	**DASZ 17/2018**
RELATED FILE:	
COMMUNITY:	Lord Selkirk - West Kildonan
NEIGHBOURHOOD #:	2.125 (North Inkster Industrial)
SUBJECT:	proposed plan of subdivision and rezoning that would consolidate two (2) lots into one (1) lot; and rezone subject lands from "A" Agricultural district to "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" Manufacturing-Light district.
LOCATION:	2700 King Edward Street
LEGAL DESCRIPTION:	Lot 2, Plan 21832 WLTO in Northeast 1/4 26-11-2 EPM; SP Lot 5, Plan 17736 WLTO in Southeast 1/4 26-11-2 EPM



APPLICANT:	Landmark Planning & Design (Andrei Friesen) 298 Waterfront Drive Winnipeg, MB R3B 0G5
OWNER:	The Winnipeg School Division 1577 Wall Street Winnipeg, MB R3E 2S5 Heron Creek Outfitters Inc. 2691 – PTH 75 Ste. Agathe, MB R0G 1Y1

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located at the southwest corner of Commercial Avenue and King Edward Street, in the North Inkster Industrial neighbourhood and the Old Kildonan Ward.
- The site is currently vacant and undeveloped.
- Under *OurWinnipeg* and *Complete Communities*, the site is within the "Employment Lands-General Manufacturing" policy area.
- Under *Zoning By-law 200/2006* the site is currently zoned "A" Agricultural district.
- The total assessed site area is +/- 592,416 sq. ft. (13.6 acres); with +/- 630 ft. of frontage on Commercial Drive, and +/- 925 ft. of frontage on King Edward Street.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

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

North: Commercial Avenue; then lands zoned “A” Agricultural district and within the Precinct T planning area.

South: Vacant lands currently zoned “A” Agricultural district and within the Inksbrook Employment Lands Planned Development Overlay 2 (PDO-2 Inksbrook Employment Lands); southerly lands being rezoned to “M1” and “C2” under 39/2015.

East: King Edward Street; then single-family residences zoned “R1-M” Residential Single-family Medium district.

West: Single-family dwelling on land zoned “A” Agricultural district.

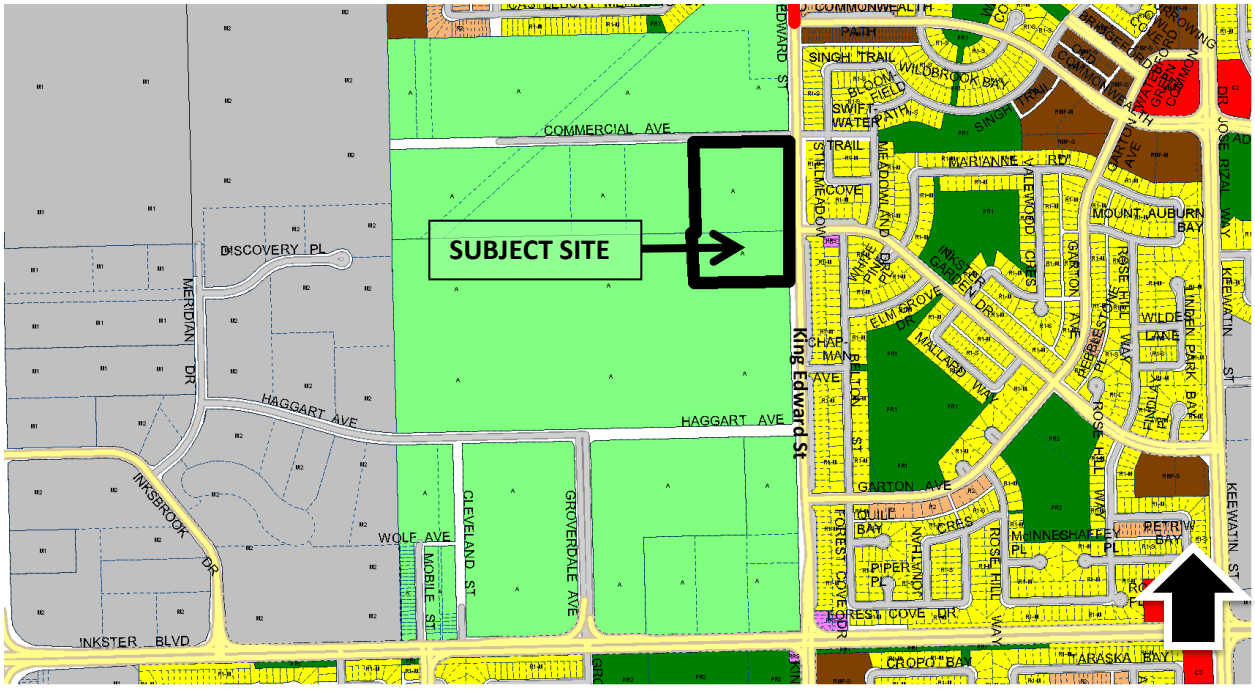


Figure 2: Existing zoning of the subject site and surrounding area.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- The applicant is proposing to consolidate two (2) lots in a new plan of subdivision and rezone the site to “M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay.
- The proposed development would include a senior high school and outdoor running track. Preliminary plans submitted with the subject application are shown on Figure 3, and show the following:
    - a proposed two-storey building (high school);
    - private approaches to allow motor vehicle access from Commercial Avenue;
    - an outdoor running track located on the south side of the proposed school;
    - 132 motor-vehicle parking spaces and 14 lockable bike spaces; and
    - a 42 ft. easement area along the entire eastern length of the subject site.

- Final plans would be subject to Plan Approval by the Lord Selkirk - West Kildonan Community Committee; this is a requirement under the Inksbrook Employment Lands Planned Development Overlay 2 (PDO-2 Inksbrook Employment Lands).

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.
- Under *Complete Communities,* the site is in the "Employment Lands-General Manufacturing" policy area. Key policies are noted below:

  Employment Lands

  - The Vision statement which preambles the Employment Lands section states the following:

    > *The city is embarking on a new era for employment lands; transforming the traditional imagery of segregated industrial uses into aesthetically pleasing, sustainable, mixed-use developments. This new approach emphasizes the compatibility of well-planned form over the strict separation of uses* (p.90).

  - Under the heading THE NEW APPROACH TO EMPLOYMENT LANDS, *Complete Communities* states:

    > *Facilitate a broader range of uses within Employment Lands, providing flexibility, adaptability and responsiveness to the marketplace* (p.92).

  - Under Employment Lands Direction 4:

    > *Ensure that employment areas are well-planned, sustainable over the long term and fit the community context*
    >
    > *Regional or city-wide recreation and sports facilities may be provided in employment areas to meet the extensive land needs of city-wide recreation and sports programs. These facilities shall not negatively impact the existing function and character of the employment area. The recreational uses are encouraged to be located in close proximity to transit routes, cycling paths, and pedestrian walkways* (p.97).

  - The above policy is noted with respect to the proposed track.

  General Manufacturing Policy Areas

  > *Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential (p.98).*

- The proposed rezoning to "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" complies with the above noted policies.

SUBDIVISION AND REZONING

- As noted previously, the proposed subdivision and rezoning would comply with *OurWinnipeg,* and *Complete Communities.*
- Recommendations outlined in the ACG report, attached as Schedule B to this report, have been included to ensure the proposed development meets the requirements provide a full range of services, as per *OurWinnipeg*.

City of Winnipeg Zoning By-Law 200/2006

- Although the 'M1' Manufacturing Light district is intended to provide for light manufacturing uses, and a senior high school is not a permitted use, the applicant is proposing to rezone the site to "*M1 PDO-2 Inksbrook Employment Lands Planned Development Overlay*" which is a Planned Development Overlay - 2 under Schedule X of *Zoning By-law 200/2006.*
- A **Planned Development Overlay - 2 (PDO-2)** is a zoning tool that provides site-specific control in unique or special circumstances, where any other zone would be inappropriate or inadequate. All development in the site covered by the adopted PDO-2 overlay must be in accordance with the approved site plan and other materials provided with the application.
- All regulations in the *Zoning By-law* must apply to development in the site covered by an adopted PDO-2 overlay, unless such regulations are specifically excluded or modified by the PDO-2 By-law.

PDO-2 Inksbrook Employment Lands Planned Development Overlay

- The Inksbrook PDO – 2, shown on Figure 3:
    - was approved by Council on July 13th, 2016 under file DASZ 39/2015; which also involved rezoning lands south of the subject site to "M1" Manufacturing Light and "C2" Commercial Community;
    - covers a +/- 120 acre planned area that is known as the Inksbrook Employment Lands;
    - was designed to allow for more flexibility in land uses;
    - requires Plan Approval by the Lord Selkirk-West Kildonan Community Committee for any development of land covered by the PDO; and
    - allows a Senior High School as a permitted use.
- Also of note, although the Inksbrook PDO-2 enables land uses within the area governed by the PDO that are consistent with the General Manufacturing policies of *Complete Communities*, the land uses to the south and east of the PDO area are low density residential neighbourhoods.
- In order to maintain compatibility with the existing residential land uses, under DASZ 39/2015, the Inkster and King Edward frontages (to a depth of 200 feet) would be zoned "C2" Commercial Community District under DASZ 39/2015 (Figure 3).
- The purpose of the "C2" Commercial Zoning is to provide a land use buffer between the residential neighbourhoods and more Industrial land uses that would be permitted on the "M1" Manufacturing lands. This approach ensures that industrial uses would not be located across the street from residential dwellings.
- Therefore, any development on the "M1" Manufacturing lands within the existing Inksbrook Employment Lands area would be located at minimum 200 feet north from Inkster Boulevard and 200 feet west from King Edward Street.

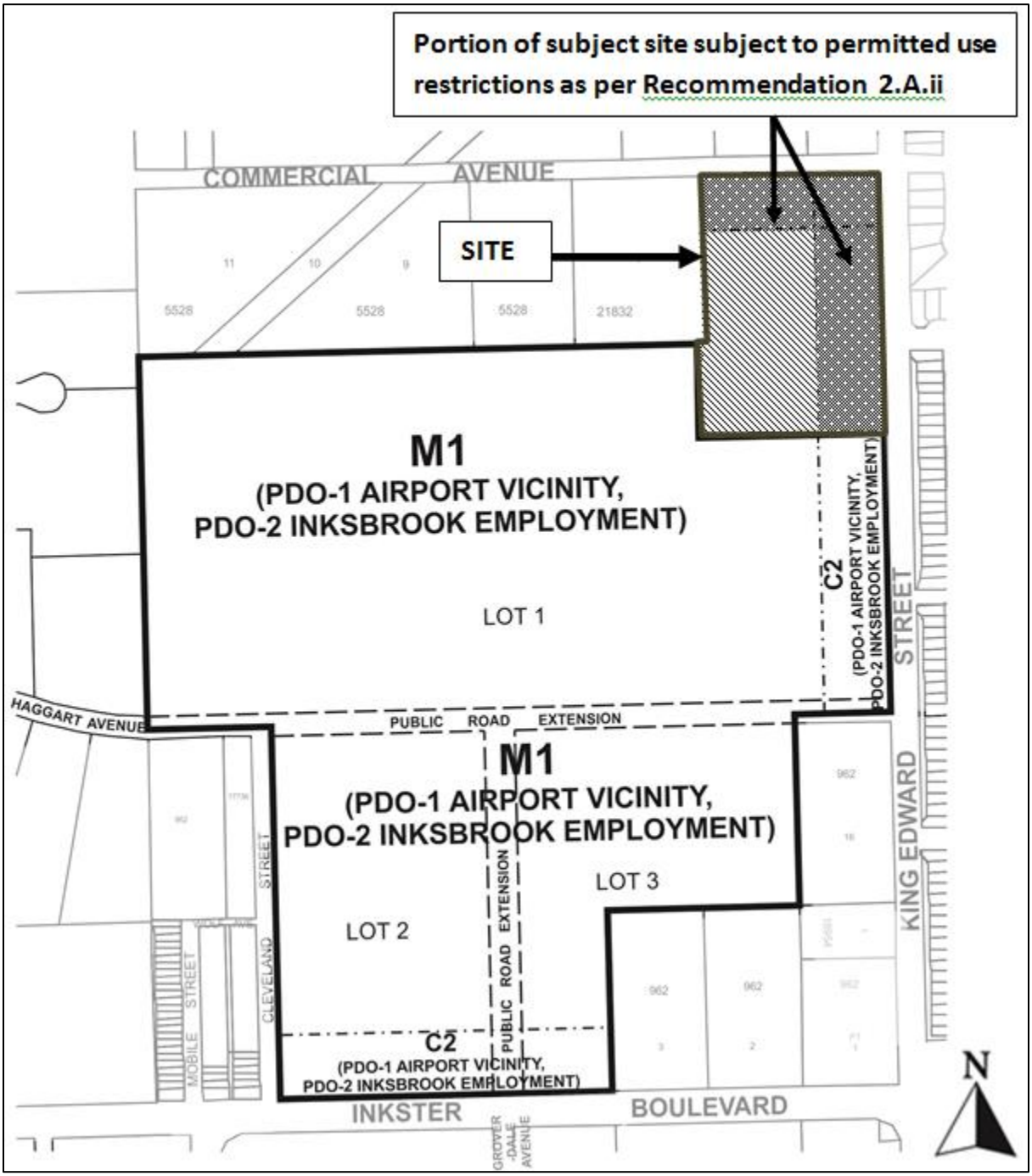


Figure3: Proposed subdivision and rezoning under file DASZ 39/2015 and subject site outlined.

Compatibility with the Surrounding Neighbourhood

- The subject land is currently zoned "A" Agricultural district and classified "Employment Lands-General Manufacturing" under *OurWinnipeg* and *Complete Communities.*
- Lands north of the subject site are located within the *Precinct T "Castlebury Meadows" Secondary Plan* and are designated for future residential development. Lands to the east are designated "Areas of Stability" under *OurWinnipeg* and contain existing low-density residential development (the Inkster Gardens Neighbourhood).
- Lands to the south are located within the PDO-2 Inksbrook Employment Lands Planned Development Overlay, also known as the "Inksbrook Employment Lands". Most of the lands are currently in the process of being rezoned to "M1" Manufacturing Light, and "C2" Commercial Community district along the King Edward Blvd. and Inkster Blvd. frontages to a depth of 200 feet.
- Given the context and surrounding neighbourhood, a rezoning to a low-intensity industrial district, such as "M1" Manufacturing – Light, would be appropriate subject to recommended conditions of approval including a zoning agreement to not permit those uses which would be incompatible with lower-density residential lands within the first 200 feet of frontage along Commercial Drive and King Edward Street. Essentially, this ensures that any future development on the lands that is not a Senior High School and is incompatible with the context could not be located immediately across the street from residential dwellings.
- In addition, given that the site abuts the Inksbrook PDO – 2 where a Senior High School is a permitted use, a boundary adjustment to include the subject lands within the existing PDO would be appropriate.
- A Senior High School and outdoor sports track would provide a good transition of uses between the industrial lands to the south and future residential lands to the north. The facility would also be located near an established residential area as well as a future planned residential area.
- Under the Inksbrook PDO – 2, final plans would be subject to Plan Approval by the Lord Selkirk - West Kildonan Community Committee; and this would ensure that future development is compatible with the surrounding neighbourhood. The Urban Planning Division recommends that any future plans for the subject site include the following site design considerations:
    - The main entrances for the school should be oriented to Commercial Avenue and King Edward Street. The development of the Commercial Avenue frontage of the site should be consistent with any applicable land use policies associated with the lands on the north side of Commercial Avenue, located in Precinct T; policies can be viewed at: http://clkapps.winnipeg.ca/dmis/viewpdf.asp?sectionid=355724
    - Pedestrian connectivity will need to be addressed given proximity to adjacent residential neighbourhoods and a proposed AT connection along King Edward Street.
    - Consideration should also be given to connectivity to the Employment Lands south of the site.
- In addition, the recommended zoning agreement is included to ensure compatibility with the surrounding neighbourhood and is described in further detail below.
- Plan Approval by the Lord Selkirk-West Kildonan Community Committee is a requirement for lands under the Inksbrook PDO – 2. This will further ensure future development is compatible with the area.

RECOMMENDED ZONING AGREEMENT

Dimensional Standards:

- While any proposed development on the subject site would default to the development standards of the "M1" District, the Winnipeg Public Service recommends the development standards that typically apply to Senior High School uses in other Zoning Districts that accommodate them, such as the "R1" zoning district. These include the following:
    - Minimum front yard of 20 feet.
    - Minimum rear yard of 25 feet.
    - Minimum interior side yard of 25 feet.
    - Minimum reverse corner street side yard of 30 feet.
    - Maximum building height of 35 feet.
    - Maximum lot coverage of 50%.
    - Each high school use must provide queuing spaces for the unloading and loading of passengers to accommodate 3 school buses and 3 passenger vehicles, and that such queuing spaces may be located within the front yard, as allowed in Table 5-7, permitted projections.
- Table 1 compares the default dimensional standards for the "M1" district and the recommended dimensional standards that apply to non-residential structures in the "R1" Residential Single-family district.

Zoning District	Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height (ft.)	Lot Coverage (ft.)	Maximum Floor Area Ratio (ft.)
M1	**25**	**0**	**0**	**15**	**50**	**NA**	**2.0**
R1	**20**	**25**	**25**	**30**	**35**	**50**	**NA**

Table 1: Default (M1) and recommended (R1) Dimensional Standards under Zoning By-law 200/2006

Non-permitted uses:

- Under the Inksbrook PDO – 2, and under the M1 zoning in general, several industrial uses are permitted uses. However, under file DASZ 39/2015, a 200 ft. buffer was established on the lands directly to the south, by zoning certain portions of the site to "C2" Commercial-Community District. The "C2" zoning acts as an intervening land-use to buffer between future industrial uses on the "M1" lands within the Inksbrook Employment Lands area and the existing residential properties.
- Given that the subject proposal would rezone the entire subject site to "M1 PDO-2" it is recommended that certain principal uses not be permitted on the subject site anywhere along the King Edward Boulevard frontage to a depth of 200 feet. This condition would ensure consistency with the intent of the Inksbrook PDO-2 and the approved subdivision and rezoning under file DASZ 39/2015 on the lands to the south. The recommended non-permitted uses are noted within the body of the recommended zoning agreement in this report.

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.

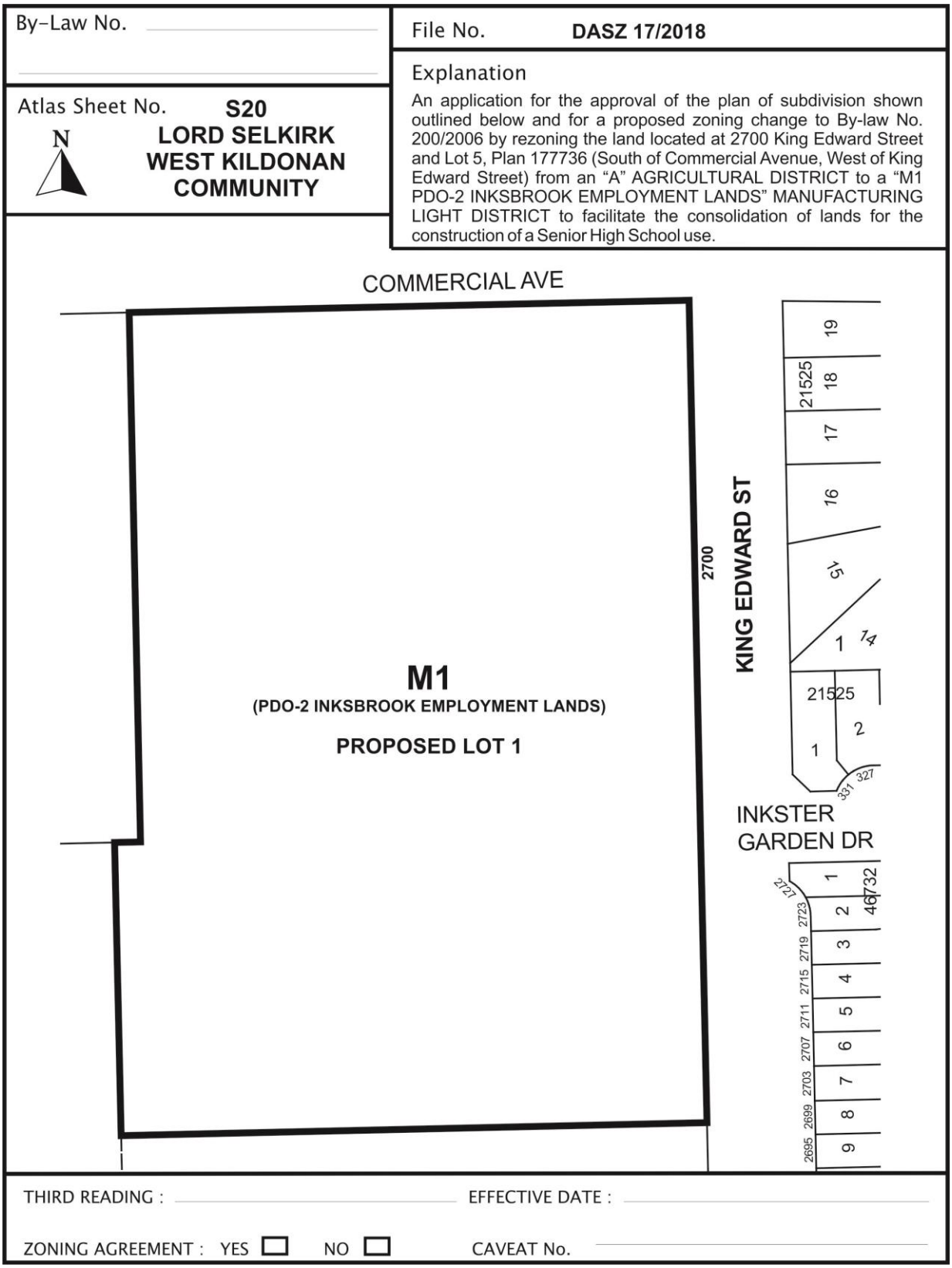
This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Rakvinder Hayer, MCP

PPD File #:
DASZ 17/2018

Schedule "A" of File DASZ 17/2018, Lord Selkirk - West Kildonan Community Committee.

November 19, 2019



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 15, 2018

RE: Proposed Subdivision and Rezoning of land located at 2700 King Edward Street – DASZ 17/2018

It is recommended that the approval of DASZ 17/2018, if granted, be subject to the applicant entering into a Servicing Agreement and address the following items where applicable:

Plan Considerations

1. The Developer shall provide an easement (including a plan of easement) for the future land drainage sewer to service the adjacent lands to the west.

2. The Developer shall, at no expense to the City, legally open, property required to widen the west side of the King Edward Street right-of-way by approximately 4.5m. This is to accommodate a future multi-use pathway (west of the existing hydro line), which is consistent with previous development applications, the approved Pedestrian and Cycling Strategies and supports the future twinning of King Edward Street.

3. The Developer shall, at no expense to the City, legally open, property required to widen the south side of the Commercial Avenue right-of-way by approximately 0.942m.

4. The Developer shall, at no expense to the City, legally open, property to accommodate an approximately 2x4.5m corner cut (from the proposed property lines above) from the north-east corner of the property.

5. The Developers Engineering Consultant shall review and confirm the above proposed property lines as part of the construction drawings for the infrastructure construction.

Reports

a) The Developer shall submit a technical memorandum for land drainage servicing, outlining the on-site land drainage system design for the interim condition and describing the conversion to the permanent system. The site will be required to have stringent on-site retention due to the limited capacity of the Commercial Avenue ditch.

b) The Developers Engineering Consultant shall review the intersection performance and intersection control (pedestrian corridor, pedestrian half signal, or full traffic control signal) for existing conditions and with the future developments for future conditions (including nearby vacant land) at the intersection of King Edward Street and Commercial Avenue. The consultant shall make recommendations for roadway improvements and intersection control.

Servicing Conditions

1. Payment for Existing Underground Services

   The Developer shall, prior to the release of mylars, pay to the City their share of the following:

   a) The existing water mains installed by others in Commercial Avenue and King Edward Street

   b) the existing wastewater sewers installed by others in Commercial Avenue and King Edward Street; and

   c) the existing land drainage sewers installed by others in King Edward Street

as determined by the Director of Water and Waste.

2. Payment for Proposed Underground Services

   The Developer shall, on demand, pay to the City their share of the following:

   a) the future land drainage sewer to be installed in Commercial Avenue; and

   b) the regional land drainage system.

   As determined by the Director of Water and Waste.

3. King Edward Street

   a) The Developer shall, pay to the City, in cash, on demand, their share of the cost of the services to be installed in King Edward Street along the full length of the subject property abutting the west side of King Edward Street:

      I. a 8.0m wide by 200mm thick Portland cement concrete pavement and all related works;
      II. a 3.5m wide asphaltic concrete multi-use pathway in the west boulevard;
      III. street lighting in the west boulevard;
      IV. landscaping in the west boulevard;

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

   b) Alternatively to the payment of the multi-use pathway as indicated above, the City may require the Developer to construct, at no expense to the City, the multi-use pathway in King Edward Street.

4. Commercial Avenue

   a) The Developer shall, at no expense to the City, construct a Portland cement concrete pavement 10.0m wide by 200mm thick in Commercial Avenue and all related works including but not limited to sidewalks, boulevard landscaping, street lighting, and land drainage sewer, abutting the Planned Area, including an appropriate transition to the existing roadway surface, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct (or pay the costs) of the required intersection roadway improvements (including providing additional property opened as right-of-way, if required) at the intersection of King Edward Street and Commercial Avenue, to the satisfaction of the Director of Public Works.

5. Traffic Control

The Developer shall, pay to the City, in cash, on demand, their share of the costs to install the appropriate traffic control at the intersection of King Edward Street and Commercial Avenue, to the satisfaction of the Director of Public Works.

6. Private Approaches

The proposed private approaches appear to be non-conforming under the Private Access By-Law. The Public Works Department does not have authority to approve non-conforming private approaches and those applications need to be heard by the appropriate Standing Policy Committee. The Private Access By-Law 49/2008 includes the details for conforming/non-conforming private approaches. Private accesses require separate application to the Public Works Department.

7. Construction Traffic

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

8. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

9. Litter and Refuse Control and Clean-Up

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

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

10. Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

COSTS AND FEES

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, an administration fee of $2138.00 per acre plus applicable GST, 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 17/2018
November 8, 2018

"*Original Signed by G. Jasper"*

G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gadja"*

M. Gadja, P. Eng.
Water & Waste Department

"Original Signed By C.J. Desjardine"

C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

Exhibit “9” referred to in File DASZ 17/2018

