Agenda – Executive Policy Committee – February 12, 2019

REPORTS

Item No. 2 Subdivision and Rezoning – 1065 & 1069 Notre Dame Avenue and 1090 Winnipeg Avenue
(Point Douglas Ward)
File DASZ 22/2018 [c/r DAV 172732/2018D]

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2019, 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 subdivision under Development Application No. DASZ 22/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 22, 2019, and attached as "Schedule A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District, as shown on the map dated January 22, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. 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

COMMUNITY COMMITTEE RECOMMENDATION (continued):

on the Owner's Land ("Works") to the Lord Selkirk - West Kildonan 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.

B. That the City enter into, execute and deliver with the Developer a Zoning Agreement in accordance with recommendation 2.A, 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 (the "Director") to negotiate and approve the terms and conditions of 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.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2019, 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 – 1065 & 1069 Notre Dame Avenue and 1090 Winnipeg Avenue**
File DASZ 22/2018

For submission to: **Executive Policy Committee**

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

Report date: **January 23, 2019**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2019, 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 subdivision under Development Application No. DASZ 22/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 22, 2019, and attached as "Schedule A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District, as shown on the map dated January 22, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. 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 Lord Selkirk - West Kildonan 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.

B. That the City enter into, execute and deliver with the Developer a Zoning Agreement in accordance with recommendation 2.A, 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 (the "Director") to negotiate and approve the terms and conditions of 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.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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10. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. It seems like the applicant has been working diligently with the public service to get their property in conformance with zoning by-laws so that to get their occupancy permit.
2. They are not going to make any significant changes which is good as well.

PUBLIC HEARING SUMMARY

File:	DASZ 22/2018
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Eadie, Chairperson Councillor Santos Councillor Sharma
Public Hearing:	January 22, 2019 Council Building, 510 Main Street
Applicant:	K3 Design (Selina Bieber)
Subject:	 **APPLICANT:** K3 Design **FILE:** DASZ 22/2018 **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 "M2 PDO-1 AIRPORT VICINITY" MANUFACTURING GENERAL DISTRICT to a "C2 PDO-1 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to facilitate the consolidation of lands for the maintenance of the retail sales use. **For information, phone Mr. R. Hayer Planner at 204-986-7168.**

Premises Affected: 1065 & 1069 Notre Dame Avenue and 1090 Winnipeg Avenue

Exhibits Filed:

1. Application dated October 22, 2018
2. Notification of Public Hearing dated November 29, 2018
3. Manitoba Status of Titles 2868968/1, 1587756/1
4. Letter of authorization dated April 13, 2018 from Sikander Pandher, Manufacturings Carpet and Flooring to K3 Design
5. Surveyor's Building Location Certificate and sketch dated June 4, 2018
6. Plans (2 pages)
7. Report from the Urban Planning Division dated January 11, 2019
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Selina Bieber
Manny Singh

In Opposition

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 22/2018

ADMINISTRATIVE REPORT

Title: DASZ 22/2018 - 1065 and 1069 Notre Dame AVE and 1090 Winnipeg AVE

Issue: Proposed Plan of Subdivision and Rezoning that would:

- consolidate three (3) properties into one (1) new lot; and
- rezone lands from an "M2" Manufacturing – General District to a "C2" Commercial – Community District.

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 subdivision under Development Application No. DASZ 22/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 22, 2019, and attached as "Schedule A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District, as shown on the map dated January 22, 2019 and attached as Schedule "A" to this report, subject to the following conditions:
    A. That the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:
        i. 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 Lord Selkirk - West Kildonan 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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4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.
5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.
6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.
7. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.
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9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
10. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to consolidate three (3) properties into one (1) new lot and rezone the proposed lot to a “C2” Commercial – Community District. The intent is to maintain the existing Retail Sales use on the property.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 22/2018) 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.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	January 11, 2019
File No.	DASZ 22/2018

Attachments

- Appendix “A,” Planning Discussion
- Schedule “A,” of File **DASZ 22/2018**, Lord Selkirk - West Kildonan Community Committee, dated January 22, 2019.

Appendix "A," Planning Discussion

DATE:	January 11, 2019
FILE:	**DASZ 22/2018**
RELATED FILE:	DAV 18-172732/D
COMMUNITY:	Lord Selkirk - West Kildonan
NEIGHBOURHOOD #:	3.121 (Pacific Industrial)
SUBJECT:	proposed plan of subdivision and proposed rezoning that would: • consolidate three (3) properties into one (1) new lot; and • rezone lands from a "M2" Manufacturing-General district to a "C2" Commercial-Community district.
LOCATION:	1065 and 1069 Notre Dame AVE and 1090 Winnipeg AVE
LEGAL DESCRIPTION:	LOT 8, 9, 3, PLAN 32646 5 ST J OTM



APPLICANT:	K3 Design INC. (Selina Bieber) 23-845 Dakota ST Unit 308 Winnipeg, MB R2M 5M3
OWNER:	Manufacturers Carpet & Vinyl Outlet LTD. 1069 Notre Dame AVE Winnipeg, MB R3E 0N4
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the north side of Notre Dame Avenue, in the Pacific Industrial Neighbourhood and the Point Douglas ward.
- Under *OurWinnipeg* and *Complete Communities,* the site falls within the Transformative Areas>Centres and Corridors policy area.
- The subject site is currently comprised of three lots as follows:
    - 1065 Notre Dame Avenue, which is 4,320 square feet in lot area and 43.50 feet wide by 100 feet deep, and zoned “C2” Commercial-Community district;
    - 1069 Notre Dame Avenue, which is 4,370 square feet in lot area and 44 feet wide by 100 feet deep, and zoned “C2” Commercial-Community district; and
    - 1090 Winnipeg Avenue, which is 4,377 square feet in lot area and 44 feet wide by 100 feet deep, and zoned “M2” Manufacturing General district.
- The total site area, including all three lots, is 13,067 square feet (0.20 acres).
- Currently on the land is a one-storey retail store (Manufacturers Carpet and Vinyl Outlet Ltd.) that encompasses all three (3) lots.



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

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

North: Winnipeg Avenue; then warehouse uses (Winnipeg Harvest building) zoned “M2” Manufacturing-General district.

South: Notre Dame Avenue; then multi-family residential uses zoned “C1” Commercial-Neighbourhood district.

East: A vehicle service related commercial business (car wash) zoned “C2” Commercial-Community district.

West: Manufacturing use (custom metal fabricator) on land partly zoned “C2” Commercial-Community and partly zoned “M2” Manufacturing-General district.

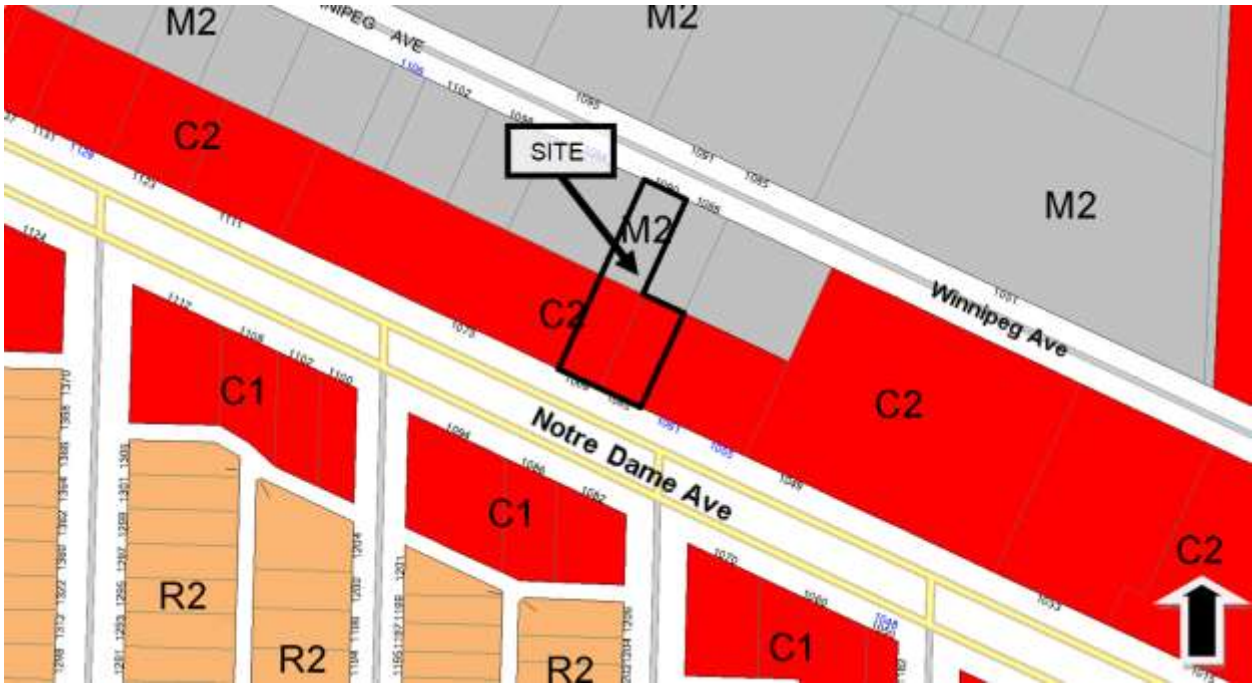


Figure 2: Existing zoning of the subject site and surrounding area.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- The applicant has submitted a proposed plan of subdivision and rezoning that would consolidate three (3) lots into one (1) new lot and rezone the subject site to be entirely zoned “C2” Commercial-Community district.
- City of Winnipeg records show that the retail business currently on the land (Manufacturers Carpet and Vinyl Outlet Ltd.) occupied the building on the subject lands without obtaining an occupancy permit. The Development and Inspections Division notified the business owner in June, 2018. The owner is required to obtain the required permits for the Occupancy and make arrangements for inspection of the work to determine code compliance, or vacate the building. The owner has decided to obtain the requisite permits to allow the business to continue operations; however given that a retail store is not a permitted use in the “M2” Manufacturing-General district, a rezoning to “C2” Commercial-Community district is required.
- The proposed development is the maintenance of an existing commercial facility on the subject 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.
- The site is in the "Transformative Areas – Centres and Corridors" policy area of *OurWinnipeg* and *Complete Communities*. With respect to the subject proposal, the following policies are noted:
    - *Support active uses (such as retail and services) at street level.*
    - *Focus a broad mix of residential, employment and retail development within strategic locations along corridors.*
    - *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.*
    - *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

- **Commercial Community (C2) district:** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.

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**
C2	0/NA	25 (note b)	0 (note b)	0	49	3.0
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 ANALYSIS

- The applicant is proposing the subject subdivision and rezoning with the intent of establishing consistent 'C2' zoning that would allow the existing business on-site to continue operations. The Urban Planning Division is supportive of the proposed subdivision and rezoning.

Consistency with OurWinnipeg and Complete Communities

- The subject proposal is generally consistent with the *Complete Communities Direction Strategy* because:
    - it would allow the property to be used as a retail sales type use, which is a typical land use in the area in which the site is located;
    - no new buildings are proposed, thus the existing scale, character and built form of the site would not change; and
    - the subject development is located on an existing mixed-use corridor (Notre Dame Avenue).
- Therefore, the proposed plan of subdivision and rezoning comply with the aforementioned policies of *OurWinnipeg* and *Complete Communities*.

Compatibility with the Surrounding Neighbourhood

- Given that the proposal would allow for the maintenance of a commercial property that contributes to the mix of retail amenities in the area, the subject proposal would be compatible with the surrounding neighbourhood. In addition, there are numerous properties with "C2" zoning adjacent to the subject property.

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 Lord Selkirk - West Kildonan 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 Lord Selkirk - West Kildonan Community Committee to review final plans for any future developments on the land.

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 22/2018

Schedule "A" of File DASZ 22/2018, Lord Selkirk - West Kildonan Community Committee,

January 22, 2019

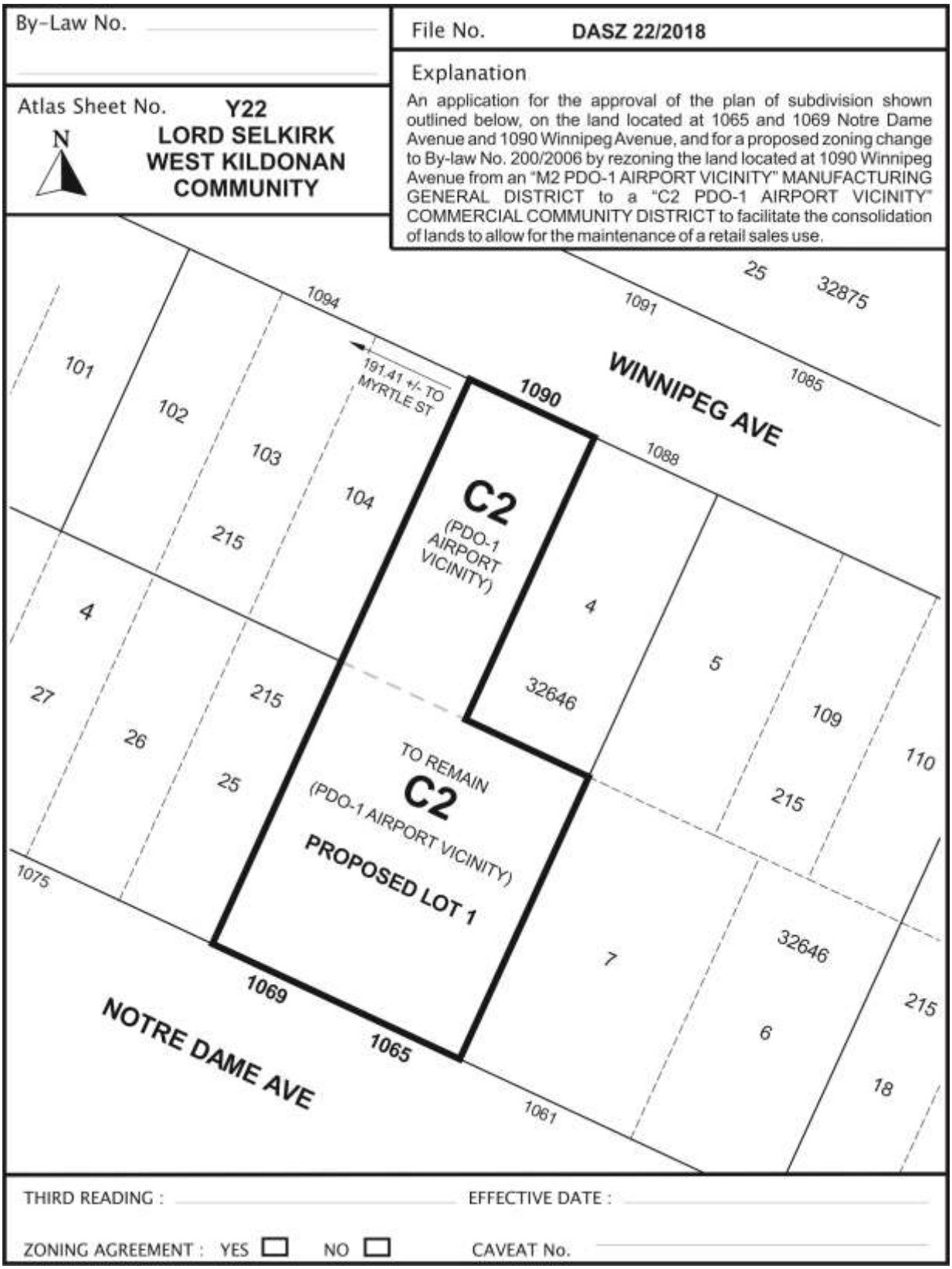
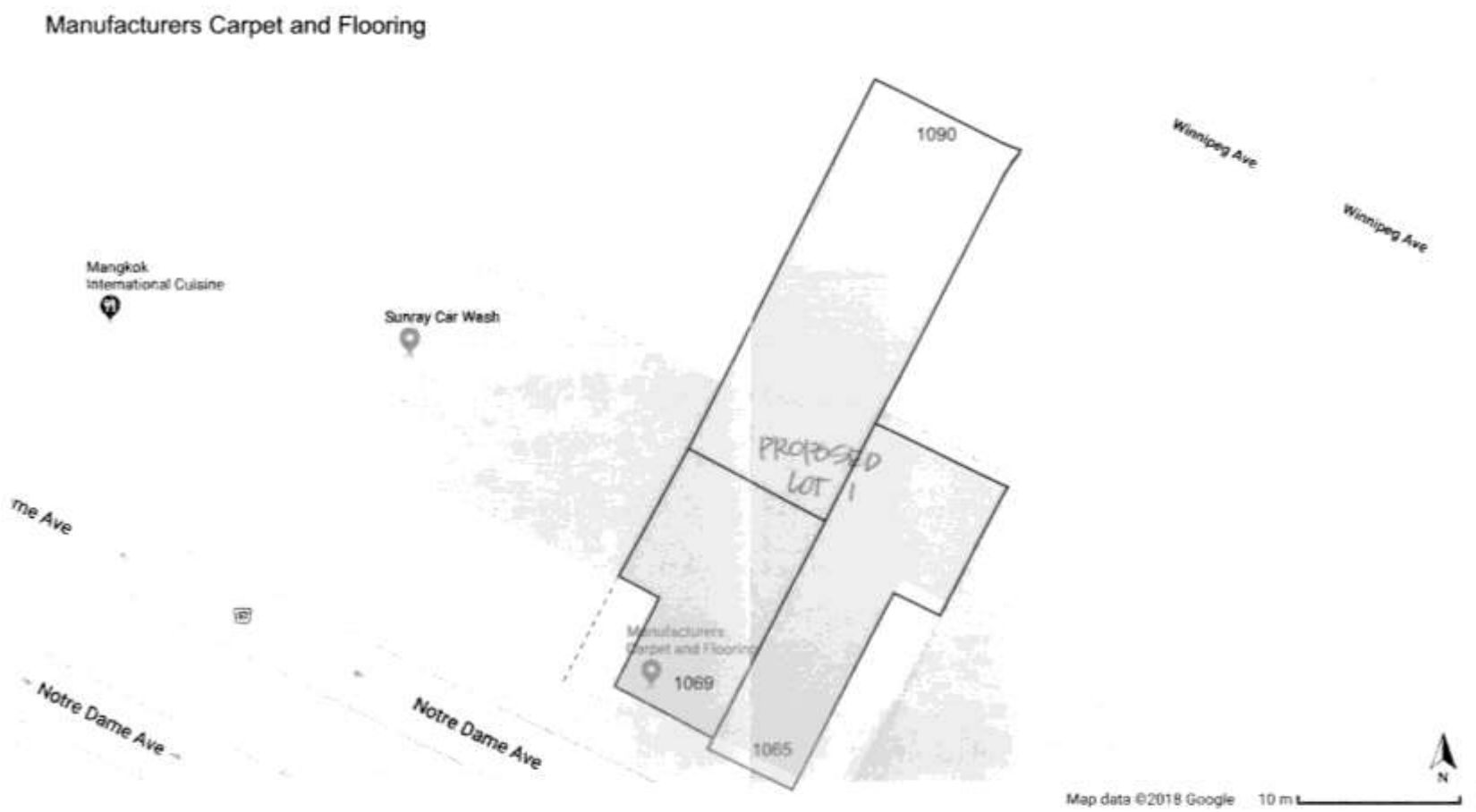
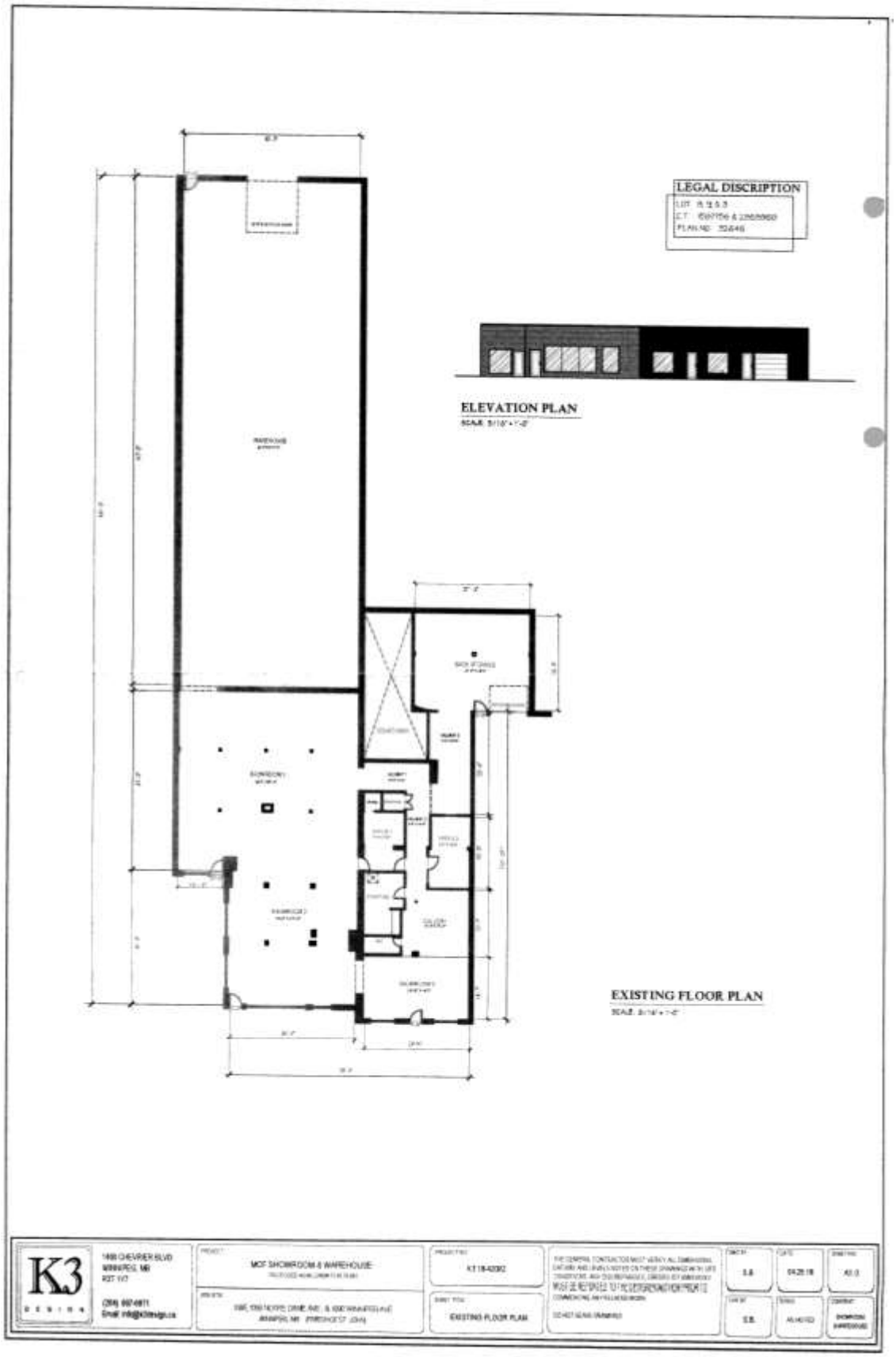


Exhibit “6” referred to in File DASZ 22/2018



Proposed properties to be amalgamated:
1065 Notre Dame Ave., 1069 Notre Dame Ave., and 1090 Winnipeg Ave.

K3


LEGAL DISCRIPTION
ELEVATION PLAN
EXISTING FLOOR PLAN
K3 DESIGN
MOT SHOWROOM & WAREHOUSE
K3 18-4092
EXISTING FLOOR PLAN