Minute No. 178
Report – Executive Policy Committee – February 19, 2019

Item No. 4 Subdivision and Rezoning – 850 Empress Street
(St. James Ward)
File DASZ 25/2018 [c/r DAV 176421/2018D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 25/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2018 dated January 22, 2019 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2018 dated January 22, 2019, to a "C3 PDO-1 Airport Vicinity" Commercial Corridor District.

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 a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

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

Report – Executive Policy Committee – February 19, 2019

COUNCIL DECISION (continued):

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 this one (1)-year period and Council approves the extension.

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

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

Report – Executive Policy Committee – February 19, 2019

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2019, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On January 8, 2019, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on February 4, 2019 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – 850 Empress Street**
File DASZ 25/2018

For submission to: **Executive Policy Committee**

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

Report date: **February 5, 2019**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 25/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2018 dated January 22, 2019 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2018 dated January 22, 2019, to a "C3 PDO-1 Airport Vicinity" Commercial Corridor District.

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 a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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.

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

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

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

1. The department hasn't raised any concerns.
2. The plans as presented comply with the department's recommendations.
3. There is precedent for C3 zoning in the immediate vicinity.
4. The applicant is taking steps to enhance the landscaping and the condition of the site.

PUBLIC HEARING SUMMARY

File: DASZ 25/2018

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: February 4, 2019
January 8, 2019
Council Building, 510 Main Street

Applicant: Number EN Architecture Group (Taylor Hammond)

Subject:



APPLICANT: number TEN
Architecture Group
FILE: DASZ 25/2018
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 a "C2 PDO-1 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to a "C3 PDO-1 AIRPORT VICINTY" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands for the establishment of a Retail Sales use with accessory outside storage. **For information, phone Mr. R. Galston Planner at 204-986-8645.**

Premises Affected: 850 Empress Street

Exhibits Filed:

1. Application dated October 24, 2018
2. Notification of Public Hearing dated November 29, 2018
3. Manitoba Status of Title 2958734/1
4. Letter of authorization dated August 9, 2018 from Artis Wpg Industrial Ltd. to Number TEN Architectural Group
5. Surveyor's Building Location Certificate and sketch dated November 24, 2018
6. Plans (6 pages)
7. Petition in support of the application purporting to contain the signatures of two (2) area businesses, submitted by the Owner (Artis REIT)
8. Report from the Urban Planning Division dated December 27, 2018
9. Inspection Report
10. Notice of Adjournment dated January 10, 2019
11. Revised Report from the Urban Planning Division dated January 22, 2019
12. Recording of Representations of public hearing held on February 4, 2019
13. Photos in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:
Brad Goerzen
Taylor Hammond
Stephen Sherlock

In Opposition:

Nil

For Information:
Nil

For the City:

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

Exhibit "11" referred to in File DASZ 25/2018

ADMINISTRATIVE REPORT

Title: DASZ 25/2018 – 850 Empress Street (Revised)

Issue: For consideration at the public hearing for a subdivision and rezoning to consolidate five (5) lots into one (1) lot and rezone the lot to the "C3" Commercial Corridor zoning district for the establishment of a retail sales use with outside storage.

Critical Path: Assiniboia Community Committee 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 25/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2018 dated January 22, 2019 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2018 dated January 22, 2019, to a "C3 PDO-1 Airport Vicinity" Commercial Corridor District.

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

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

REASON FOR THE REPORT

- 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 subject property may be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this Report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	January 22, 2019
File No.	DASZ 25/2018

List of Schedules and Attachments

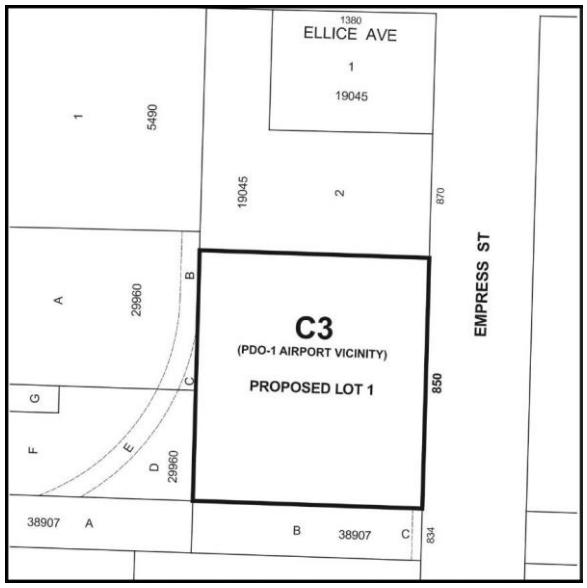
1. Appendix “A” Planning Discussion
2. Schedule “A” Recommended File No. DASZ 25/2018 dated January 22, 2019

APPENDIX 'A'

DATE: January 22, 2019
FILE: **DASZ 25/2018**
RELATED FILES: DAV 18-176421/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.125 (Polo Park)

SUBJECT: To consolidate the subject lands and rezone from a "C2" Commercial Community District to a "C3" Commercial Corridor District.

LOCATION: 850 Empress Street
LEGAL DESCRIPTION: FIRSTLY: SP LOTS 5 TO 11 PLAN 33070 WLTO IN RL PARISH OF ST JAMES
SECONDLY: LOTS 223 AND 224 PLAN 153 WLTO (W DIV) IN RL 42 PARISH OF ST JAMES



APPLICANT: Number Ten Architectural Group (Taylor Hammond)
310-115 Bannatyne Ave.
Winnipeg , Manitoba R3B 0R3

OWNER: Artis Winnipeg Industrial Ltd.
600-220 Portage Ave.
Winnipeg , Manitoba R3C 0A5

RECOMMENDATION: Approval with conditions

HISTORY

NA

SITE DESCRIPTION

- The subject property is located on the west side of Empress Street, between Ellice Avenue and St. Matthew's Avenue, in the Polo Park Neighbourhood of the St. James Ward.
- The subject site has a total land area of 1.4 acres. A one-storey warehouse with a floor area of approximately 25,800 square feet is currently located on the site.
- The subject property is currently zoned "C2" – Commercial Community.
- The subject property is identified as an Area of Stability – Mature Community within the Areas of Stability of the *Complete Communities Direction Strategy* Urban Structure Map.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Office and restaurant uses zoned "C2" Commercial Community.

South: Office use zoned "C2" Commercial Community, then retail and warehouse uses zoned "C3" Commercial Corridor.

East: Empress Street, then Omand's Creek and retail uses and hotel uses zoned "C3" Commercial Corridor.

West: Retail and warehouse uses zoned "C2" Commercial Community.

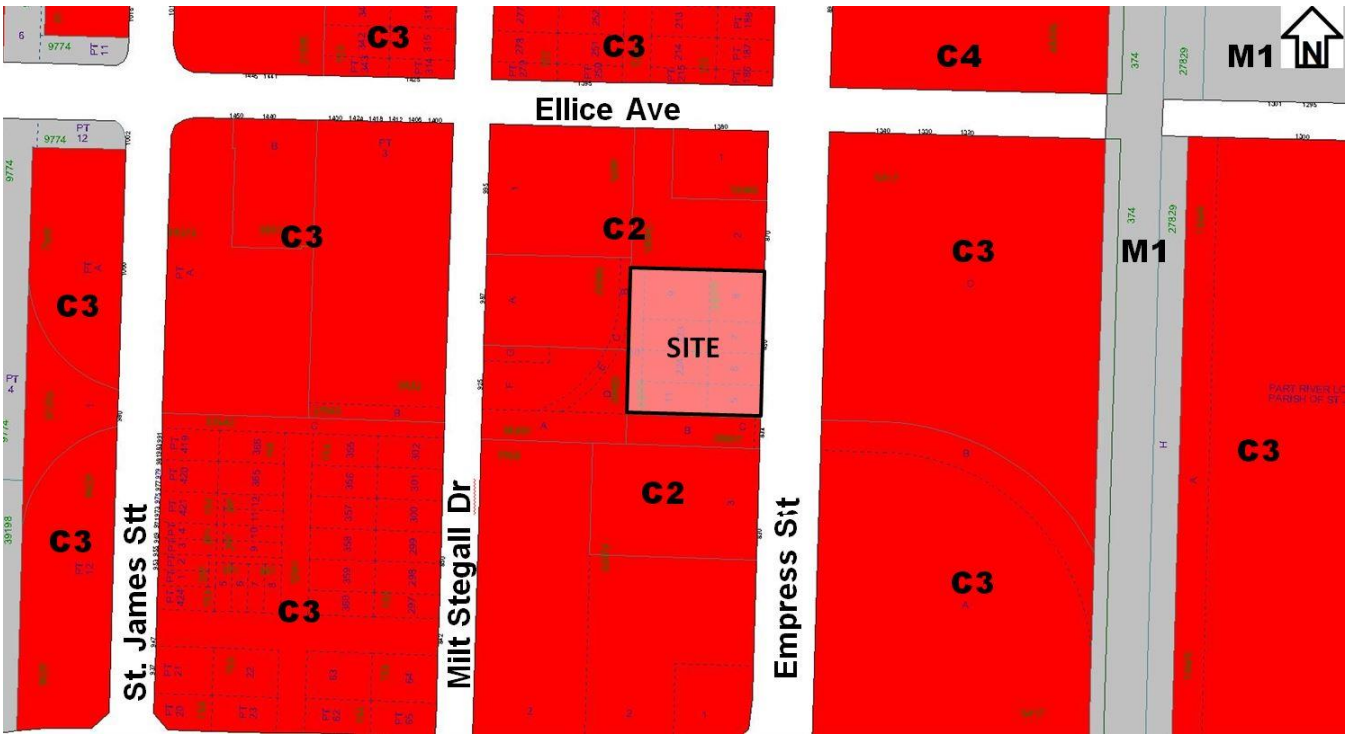


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate nine (9) lots on the subject property to create one (1) new lot and rezone the subject property from a "C2" Commercial Community zoning district to a "C3 Commercial Corridor zoning district.
- The applicant intends to establish the retail sales use in the existing warehouse building on the subject property, with an outside storage area located on the north side of the building. The proposed rezoning will allow a retail use with an accessory outside storage area on the subject property.
- The proposed retail use will include retail sales, warehousing, wholesaling, and distribution of electrical supplies and parts.
- A site plan and landscape plan have been submitted for the proposed development.
- The proposed development requires variances to allow a temporary change of use to allow outside storage, and to vary the dimensional standards of the Winnipeg Zoning By-law for front yards, rear yards, parking, and fencing. These variances are the subject of an associated application under File DAV 18-176421/D.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an Area of Stability – Mature Community in *Complete Communities'* Urban Structure map. Key policies guiding development within Mature Communities include:
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.

SUBDIVISION

- The subject property is currently made up of nine (9) lots under one title (see Figure 3). A subdivision is required in order to consolidate these nine (9) underlying lots located on the subject property into one (1) lot, proposed Lot 1.

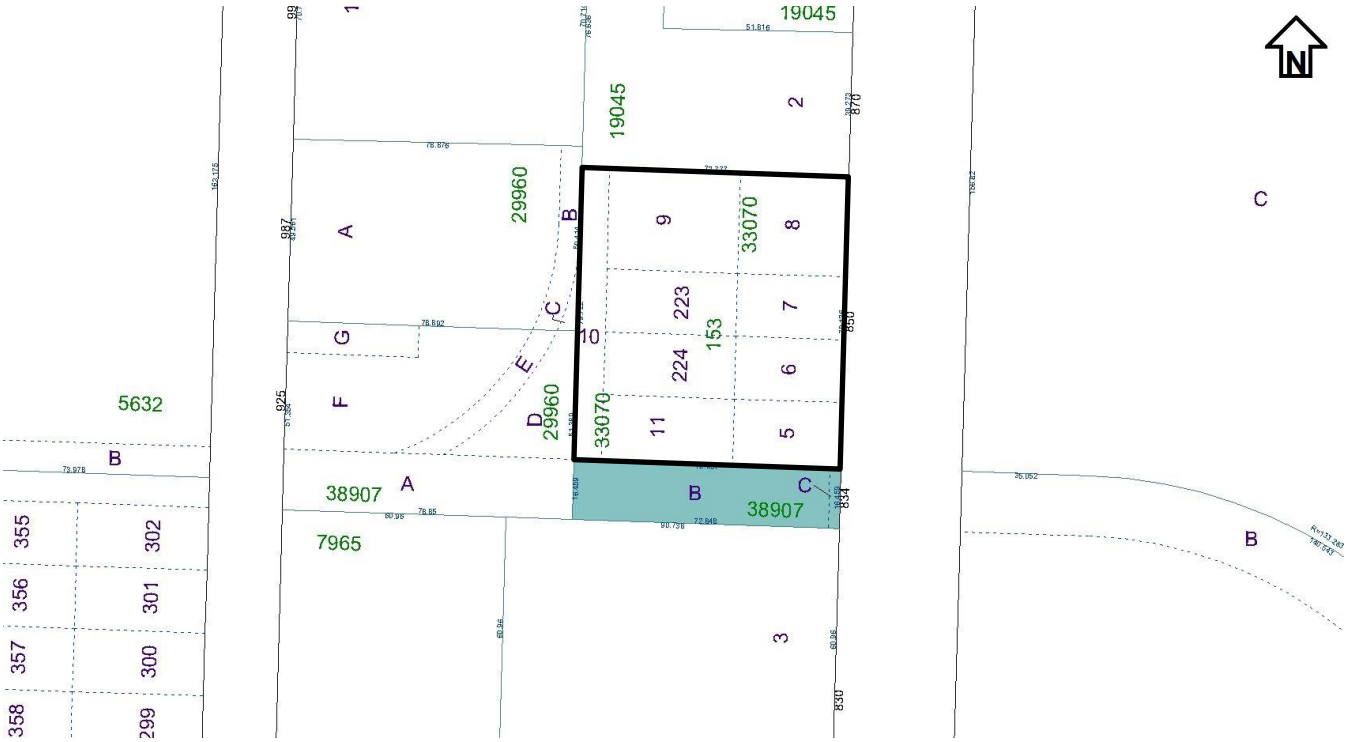


Figure 3: Base map showing underlying lots to be consolidated through subdivision.

REZONING

- The subject land is currently zoned “C2” Commercial Community. The “C2” zoning district is intended to accommodate intensive commercial sites that do not have local or neighbourhood orientation.
- The applicant is proposing to rezone the subject property to “C3” Commercial Corridor, in order to permit the establishment of an outside storage area on the subject property.
- The “C3” Commercial Corridor district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. “C3” districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.

Outside Storage

- As noted above, the applicant is proposing to rezone the subject property in order to establish an outside storage area. Outside storage is a permitted accessory use in the “C3” zoning district. However, use specific standards apply to outside storage areas in “C3” districts. These standards include the following:
    - Outside storage is limited to 25 percent of gross floor area.

- Outside storage facilities adjacent to or abutting a residential use must be screened from view by a fence of at least six (6) feet.
- Outside storage must comply with the following standards:
  - If only used for storage, and not for operations, the outside storage area must be located to the rear of a line adjacent to and parallel with the front wall of the principle building.
  - Outside storage is not permitted in any required yard.

- In the case of the proposed development, the proposed outside storage area is set back from the property line fronting Empress Street by approximately 166 feet. The applicant has submitted site plans showing the outside storage area screened from view by a new chain link fence with privacy slats, which has a height of 10 feet. Additionally, the fence will have barbed wire fencing with a height of 1.5 feet, giving the fence a total height of 11.5 feet.
- The proposed outside storage area is not visible from any residential use and is compatible with the surrounding area, which is characterized by a mix of retail and wholesaling uses.

VARIANCES

- As noted above, a number of Variances to the "C3" dimensional standards of the Winnipeg Zoning By-law 200/2006 are required. These variances are the topic of an associated planning report under File DAV 18-176421/D.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The surrounding area is characterized by a mix of retail, warehouse, and office uses. A number of properties in the surrounding area are currently zoned "C3." A retail use with an outside storage area is compatible with the area in which it is situated.

RECOMMENDATIONS

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

- The subject rezoning complies with policies for Areas of Stability under the *Complete Communities Direction Strategy.*
- The proposed development is compatible with land uses in the vicinity of the subject property.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 25/2018

Schedule "A" for File DASZ 25/2018, Assiniboia Community Committee, dated January 22, 2019

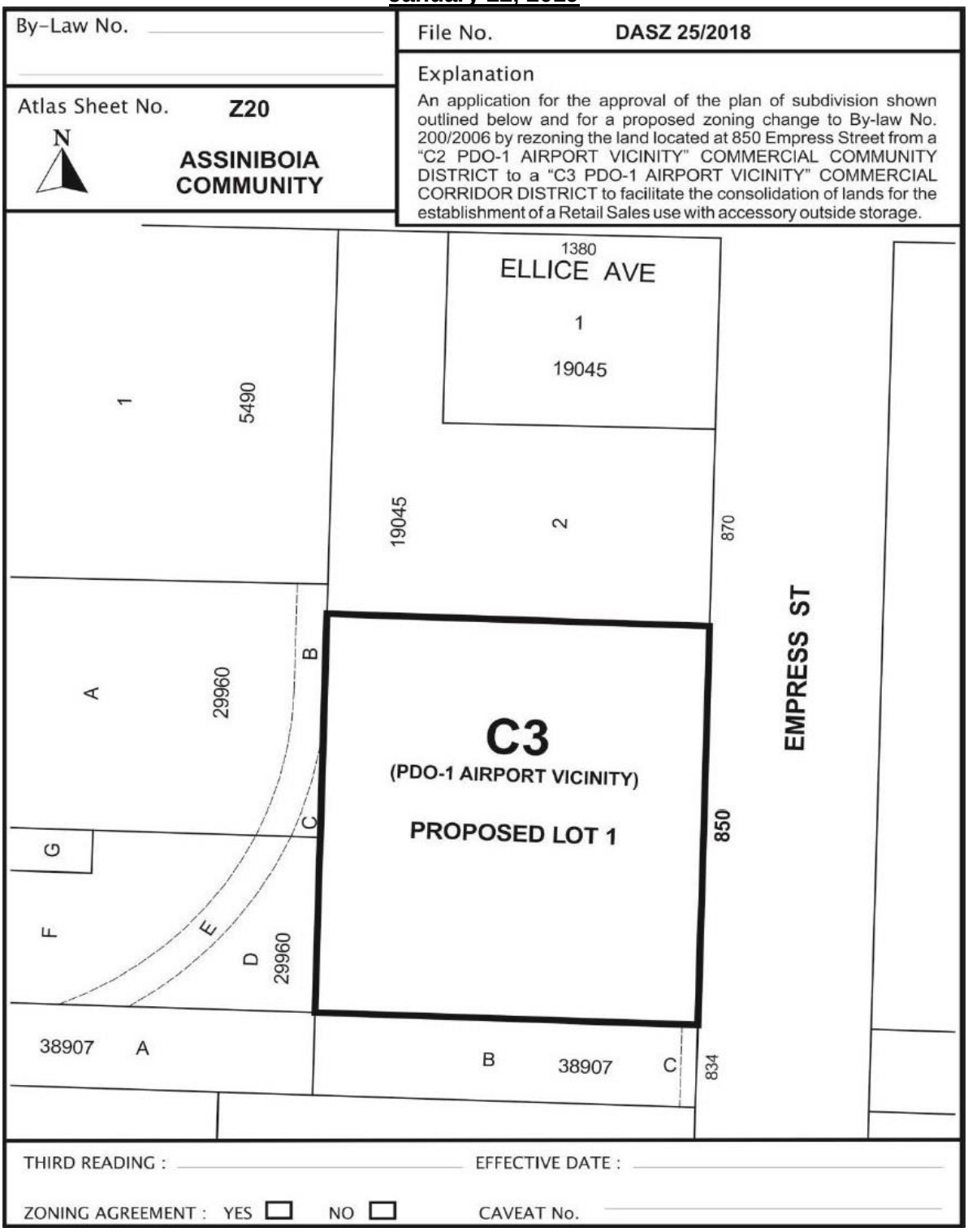
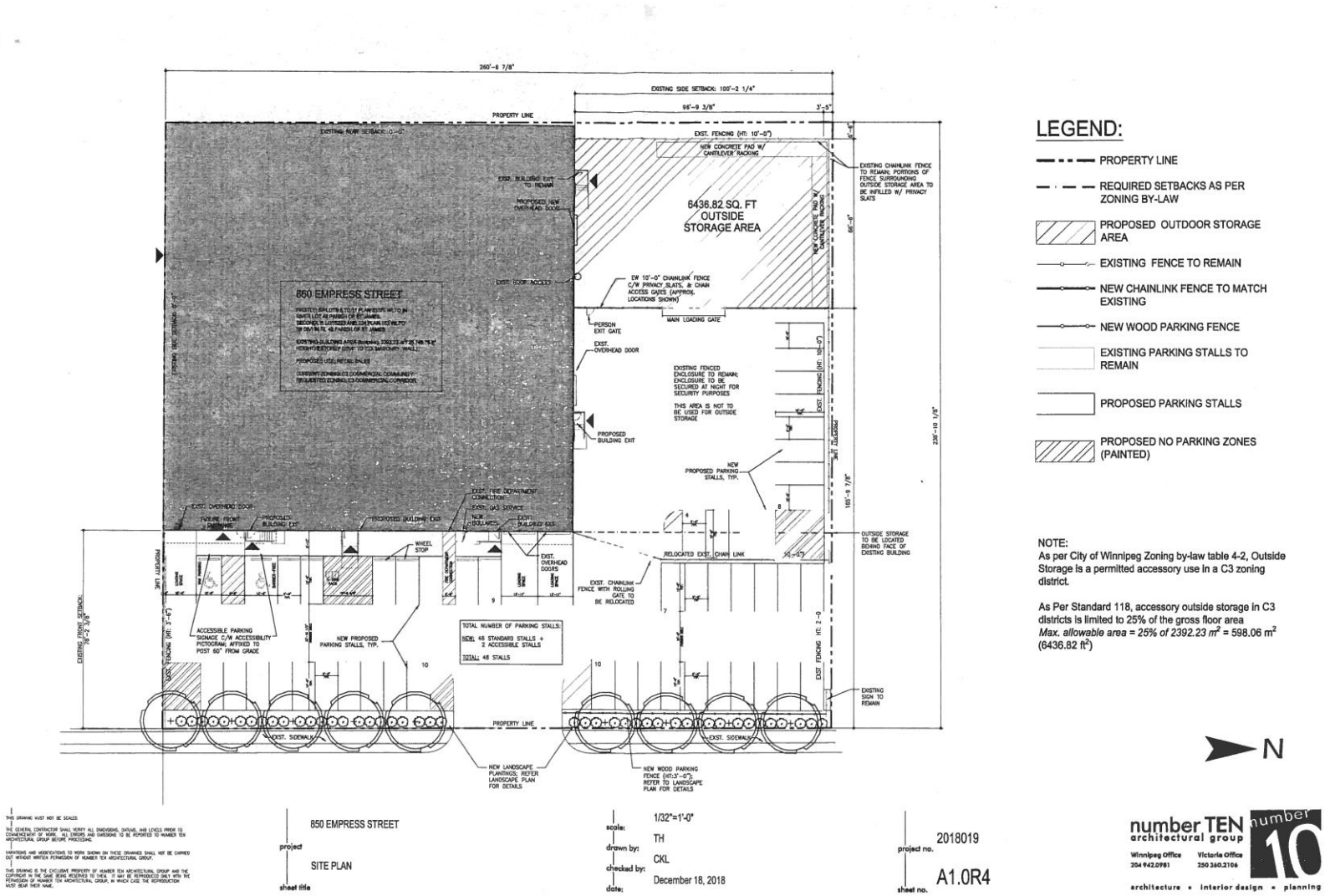
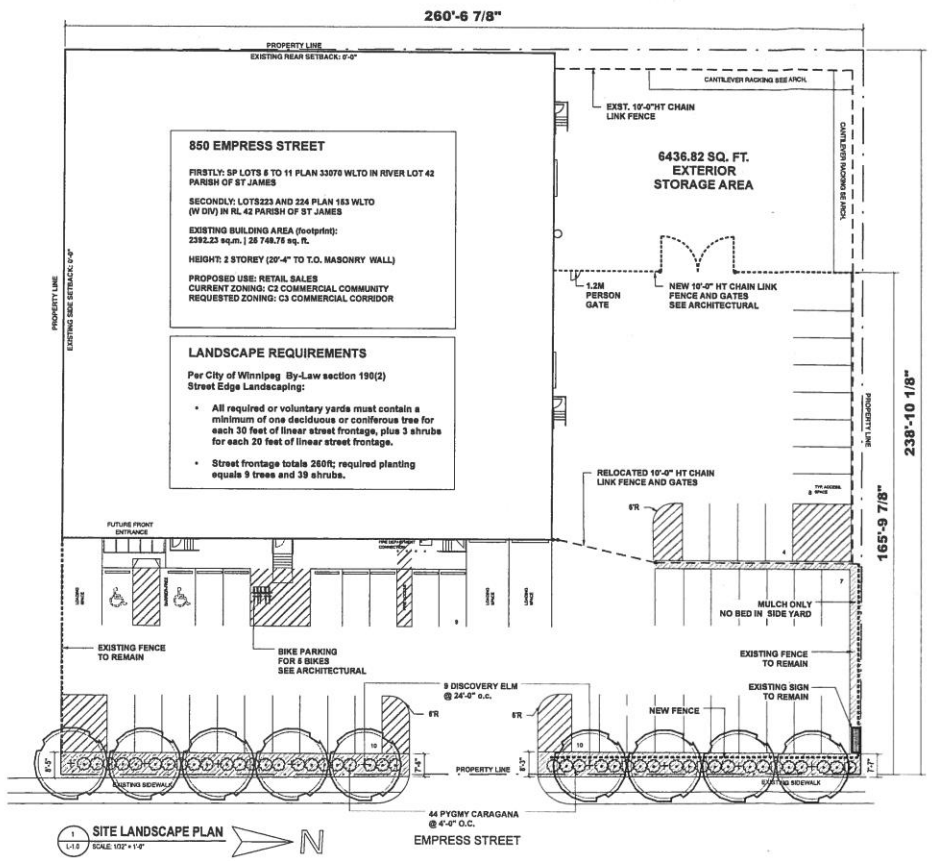


Exhibit "6" referred to in File DASZ 25/2018





PLANT SPECIFICATION LIST

Deciduous Trees

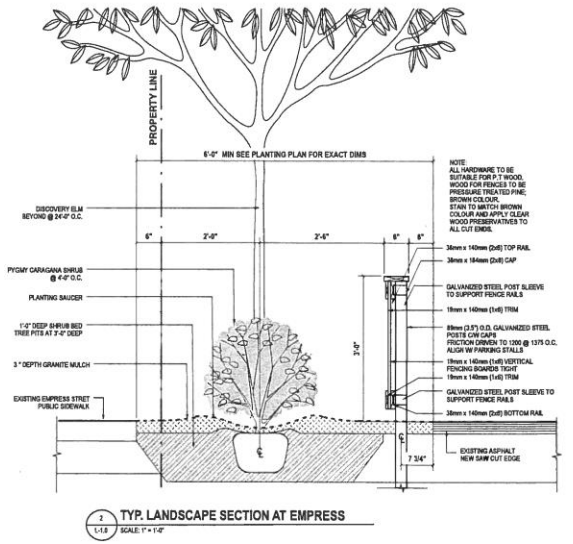
QTY	BOTANICAL/ COMMON NAME	SIZE/ REMARKS
9	Ulmus davidiana 'Discovery' / Discovery Elm	50 mm caliper, 3.5m ht. tree with 11 major branches in well formed head 2m above grade, B&B, wire basket. Double stake.

Shrubs

44	Caragana pygmea / Pygmy Caragana	300-400mm ht., min. 5 major basal branches. Well formed, bushy plants. Container stock. (3 gal pot min.)

LEGEND:

PROPERTY LINE
SHRUB BED WITH GRANITE MULCH
PAINTED ASPHALT - NO PARKING ZONES
NEW LIGHT PROOF PARKING FENCE
SALT TOLERANT SHRUB
DECIDUOUS STREET TREE



2 TYP. LANDSCAPE SECTION AT EMPRESS
L-1.0 SCALE: 1" = 1'-0"

THIS DRAWING MUST NOT BE SCALED.
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUMS, AND LEVELS PRIOR TO COMMENCEMENT OF WORK. ALL ERRORS AND OMISSIONS TO BE REPORTED TO NUMBER TEN ARCHITECTURAL GROUP BEFORE PROCEEDING.
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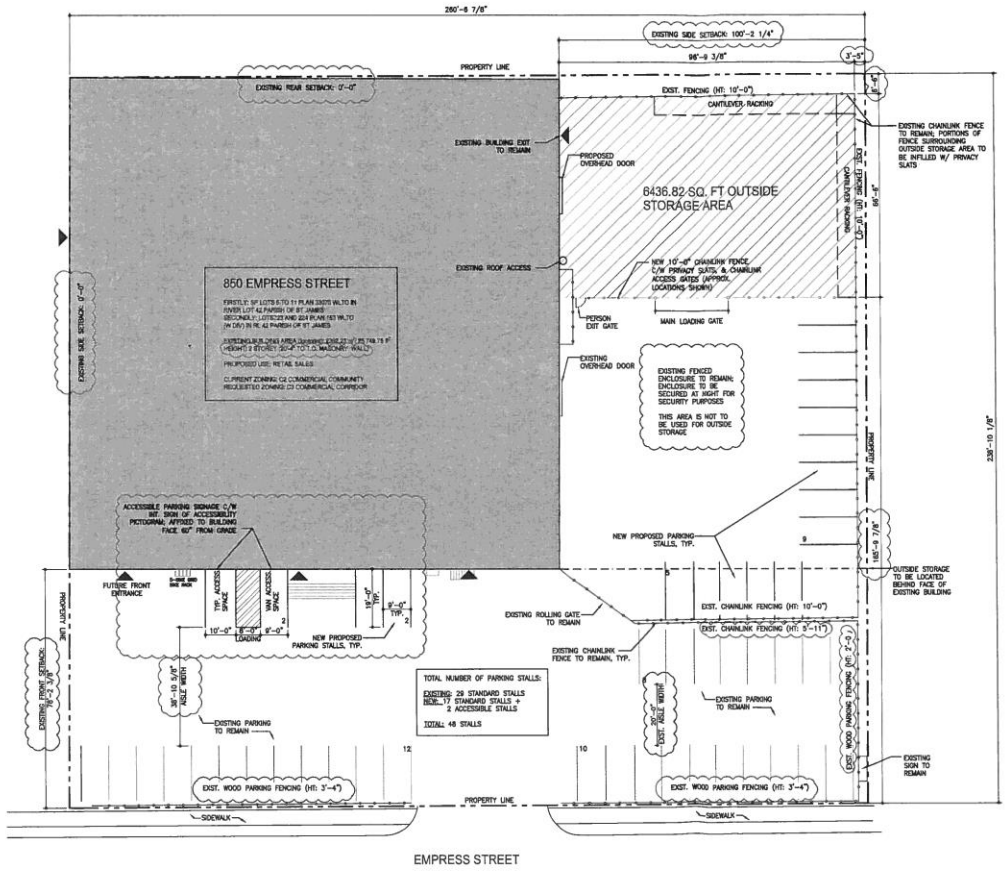
project: 850 EMPRESS STREET
sheet title: SITE LANDSCAPE PLAN

scale: 1/32"=1'-0"
drawn by: MG
checked by: MG
date: DEC 18, 2018

project no. 2018019
sheet no. L-1.0

HTFC PLANNING & DESIGN
500-115 Sunnybrook Avenue East Winnipeg, MB R3B 0R3
PHONE 204 944 9507
WEB htfc.mb.ca

number TEN architectural group
Winnipeg Office 204 942 0981
Victoria Office 250 940 3104
architecture + interior design + planning



LEGEND:

- PROPERTY LINE
- REQUIRED SETBACKS AS PER ZONING BY-LAW
- PROPOSED OUTDOOR STORAGE AREA
- EXISTING CHAINLINK FENCE TO REMAIN
- NEW CHAINLINK FENCE TO MATCH EXISTING
- EXISTING PARKING STALLS TO REMAIN
- PROPOSED PARKING STALLS

NOTE:
As per City of Winnipeg Zoning by-law table 4-2, Outside Storage is a permitted accessory use in a C3 zoning district.

As Per Standard 118, accessory outside storage in C3 districts is limited to 25% of the gross floor area
Max. allowable area = 25% of 2392.23 m^2 = 598.06 m^2 (6436.82 ft^2)

N

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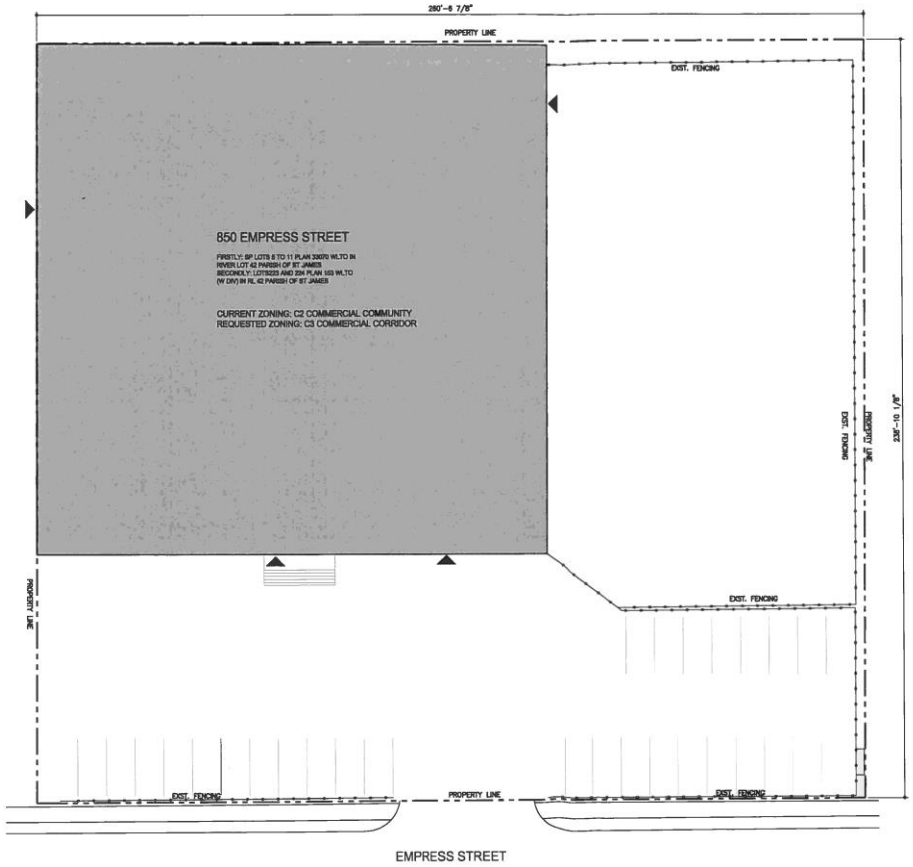
project: 850 EMPRESS STREET
sheet title: SITE PLAN
scale: 1/32"=1'-0"
drawn by: TH
checked by: CKL
date: October 23, 2018
project no. 2018019
sheet no. A1.0R2

number TEN architectural group
Winnipeg Office 204 942.0981
Victoria Office 250 360.2106
architecture • interior design • planning



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project: 850 EMPRESS STREET

sheet title: PLAN OF REZONING

scale: 1/32"=1'-0"

drawn by: TH

checked by: CKL

date: October 5, 2018

project no. 2018019

sheet no. A0.0

number TEN architectural group
Winnipeg Office 204 942.0981
Victoria Office 250 360.2106
architecture • interior design • planning



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project: 850 EMPRESS STREET

sheet title: VICINITY PLAN

scale: NTS

drawn by: TH

checked by: CKL

date: October 3, 2018

project no. 2018019

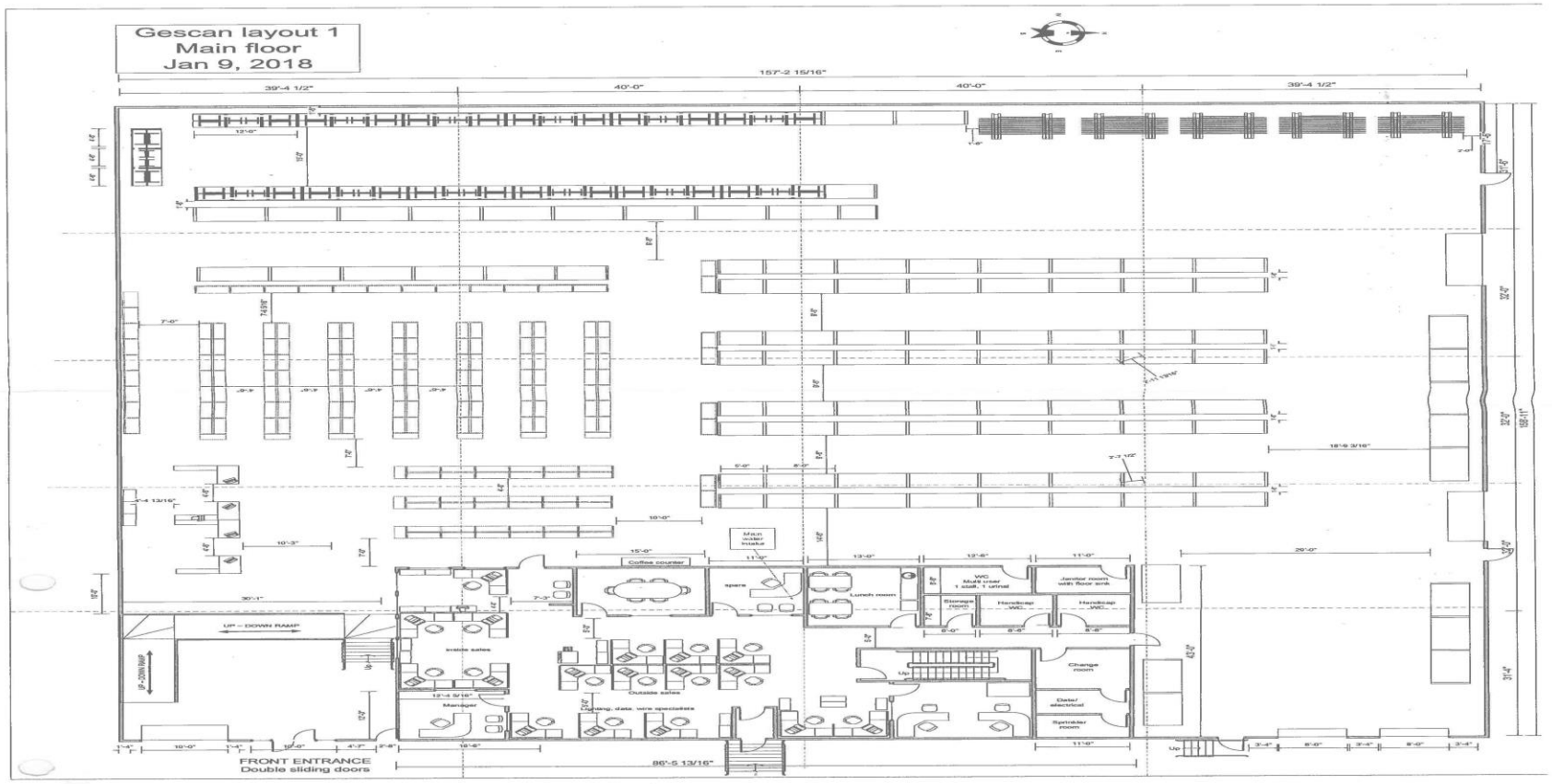
sheet no. A0.1

number TEN architectural group

Winnipeg Office 204 942.0981

Victoria Office 250 360.2106

architecture • interior design • planning


Gescan layout 1
Main floor
Jan 9, 2018
157'-2 15/16"
39'-4 1/2"
40'-0"
40'-0"
39'-4 1/2"
UP – DOWN RAMP
Coffee counter
Main water intake
Lunch room
Storage room
Handicap WC
Janitor room with floor sink
Change room
Date/ electrical
Sprinkler room
Inside sales
Outside sales
Manager
Dighting, data, wire specialists
FRONT ENTRANCE
Double sliding doors
86'-5 13/16"