**Minute No. 421**
**Report – Executive Policy Committee – July 2, 2019**

**Item No. 2** **Rezoning – 1391 and 1421 St. James Street**
**(St. James Ward)**
**File DAZ 204/2019 [c/r DAV 112203/2019D]**

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 204/2019 by rezoning the subject land to an "M1 PDO-1 AIRPORT VICINITY" Manufacturing Light District as shown on the map dated May 23, 2019 and attached as schedule "A" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

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

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping; and
            g. Free-standing signage

            On the Owner's Land ("Works") to 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 Owner a Zoning 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").

**Report – Executive Policy Committee – July 2, 2019**

COUNCIL DECISION (continued):

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 zoning Agreement, and 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 interest of the City.

2. 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.

3. 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.

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

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

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

**Report – Executive Policy Committee – July 2, 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 July 2, 2019, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 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.

## PUBLIC HEARING SUMMARY

**File:** DAZ 204/2019

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

**Public Hearing:** June 4, 2019
Council Building, 510 Main Street

**Applicant:** Shelter Canadian Properties Ltd. (Tabitha Dean)

**Subject:**



**Premises Affected:** 1391 and 1421 St. James Street

**For submission to:** Executive Policy Committee

**Prepared by:** Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

**Report date:** June 6, 2019

**Community Committee Recommendation:**

On June 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 204/2019 by rezoning the subject land to an "M1 PDO-1 AIRPORT VICINITY" Manufacturing Light District as shown on the map dated May 23, 2019 and attached as schedule "A" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

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

            a. Buildings
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            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping; and
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            On the Owner's Land ("Works") to 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 Owner a Zoning 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 zoning Agreement, and 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 interest of the City.

2. 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.

3. 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.

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

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

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

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

1. There is precedent in the area for light industrial commercial activities and retail that is conducted in and around the site which is in question here today.

Exhibits Filed:

1. Application dated March 13, 2019
2. Notification of Public Hearing dated April 30, 2019
3. Manitoba Status of Title 2623932/1
4. Letter of authorization dated March 8, 2019 from 6485155 Manitoba Ltd. to Shelter Canadian Properties Limited
5. Surveyor's Building Location Certificate and sketch dated February 6, 2019
6. Caveat 2324482
7. Communication in support of the application dated November 16, 2018, submitted by Jordan Jones
8. Plans (2 pages)
9. Report from the Urban Planning Division dated May 28, 2019
10. Inspection Report
11. Recording of Representations of public hearing held on June 4, 2019

REPRESENTATIONS:

In Support:

Tabitha Dean
Jordan Jones

In Opposition

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
F. Ojo, Urban Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DAZ 204/2019

# ADMINISTRATIVE REPORT

**Title:** DAZ 204/19 – 1391 & 1421 St. James Street

**Issue:** An application for consideration at the public hearing to rezone the property from an "M3 PDO-1 AIRPORT VICINITY" Manufacturing General District to an "M1 PDO-1 AIRPORT VICINITY" Manufacturing Light District to allow the establishment of a call centre use and for the maintenance of some existing non-conforming use on site.

**Critical Path:** Assiniboia Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | N/A | N/A | |

## RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 204/2019 by rezoning the subject land to an "M1 PDO-1 AIRPORT VICINITY" Manufacturing Light District as shown on the map dated May 23, 2019 and attached as schedule "A" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

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

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On the Owner's Land ("Works") to 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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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 zoning Agreement, and 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 interest of the City.

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Council approves the extensionThat the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 rezone the property from an “M3 PDO-1 AIRPORT VICINITY” Manufacturing Heavy District to an “M1PDO-1 AIRPORT VICINITY” Manufacturing Light District.
- The intent is for the maintenance of existing structures on site and the continual operation of a number of existing retail sales use within the premises. The applicant is also proposing to establish a call centre on site.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

## IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from “M3 PDO-1 AIRPORT VICINITY” Manufacturing General District to “M1 PDO-1 AIRPORT VICINITY” Manufacturing Light District.

## HISTORY

N/A

## CONSULTATION

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

## SUBMITTED BY

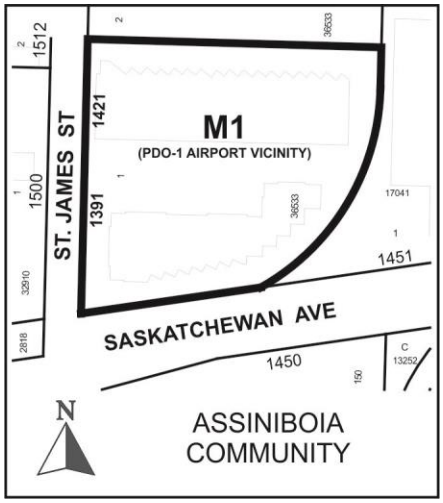
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning Division |
| Prepared by: | Femi Ojo, MCIP, RPP |
| Date: | May 28, 2019 |
| File No. | DAZ 204/19 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 204/19

**APPENDIX 'A'**

| | |
|---|---|
| **DATE:** | May 28, 2019 |
| **FILE:** | **DAZ 204/2019** |
| **RELATED FILES:** | DAV 19 – 112203/D |
| **COMMUNITY:** | Assiniboine |
| **NEIGHBOURHOOD #:** | 2.221 (St. James) |
| **SUBJECT:** | To rezone the subject land from "M3 PDO-1 AIRPORT VICINITY" Manufacturing Heavy District to "M1PDO-1 AIRPORT VICINITY Manufacturing Light District. |
| **LOCATION:** | 1391 & 1421 St. James Street |
| **LEGAL DESCRIPTION:** | LOT 1, PLAN 36533 42 ST JA OTM |




**APPLICANT:** Tabitha Dean (Shelter-Canadian Properties Ltd.)
2600 – 7 Evergreen Place
WINNIPEG MB R3L 2T3

**OWNER:** 6485155 Manitoba Ltd.

**RECOMMENDATION:** Approval with a condition

**SITE DESCRIPTION**

- The subject property is located at the north-east corner of the Saskatchewan Avenue, and St. James Street intersection in the St. James Industrial neighbourhood of the St. James Ward.
- The subject site is 217,312 square feet in size. Currently existing on site are two separate commercial structures with office/store frontages.
- Under the *Complete Communities Direction Strategy*, the subject site is located within the General Manufacturing District. The property is zoned “M3 PDO-1 AIRPORT VICINITY” Manufacturing Heavy District.




**Figure 1: Aerial photograph showing subject property (flown 2018)**

**SURROUNDING LAND USES & ZONING (See Figure 2)**

**North:** Manufacturing uses zoned “M3” Manufacturing Heavy.

**South:** Saskatchewan Avenue, then commercial uses zoned “C3” Commercial Corridor.

**East:** Manufacturing uses zoned “M3” Manufacturing Heavy.

**West:** St James Street, then then manufacturing uses zoned “M2” Manufacturing General.




**Figure 2: Zoning of the surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from “M3” Manufacturing Heavy to “M1” Manufacturing General in order to establish a call centre and bring into zoning compliance a number of retail sales use on site.
- An associated Variance application (DAV 19-112203/D), which is mostly for the maintenance of the existing buildings on site will be heard concurrently with the rezoning application.
- The existing 92,355 sq. ft. multi-tenant buildings on site are being maintained without any physical structural alteration.
- There are no changes to the site plan as it currently exists.

## ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Employment Land – Manufacturing Specific policy area. With regard to this proposal, the key policies guiding this area include:
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.

- Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.
- Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.

ZONING AND LAND USE BY-LAW 200/2006

- **M3 Manufacturing Heavy -** is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipment, or that may require substantial mitigation to avoid sound, noise and odour impact on neighbouring properties.

- **M1 Manufacturing Light -** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with all operations contained within an enclosed building with some limited outside storage.

*Rezoning (DAZ 204/2019)*

- The applicant is proposing to rezone the land from “M3” to “M1” to accommodate the continual operation of a number of retail uses on site, and also for the establishment of a call centre. A retail sales use and the proposed call center are not permitted in the “M3” zones, but are permitted in the “M1” zone.
- Rezoning the subject site to “M1” will ensure that all uses on site are in compliance with the Winnipeg Zoning By-Law 200/2006.

*Variances (see DAV 19-112203/D)*

- The applicant has applied for several variances associated with the maintenance of the existing structures on site.
- This administrative report only speaks to issues relating to the rezoning of the subject property. Further discussion relating to the variances will be addressed in the concurrent variance report.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The *Complete Communities Direction Strategy* supports introduction of uses that are subordinate to, and supportive of the primary employment uses. The existence of retail showrooms, offices, warehouses, call centres and restaurants align with the above policy, in that they provide some services to the immediate industrial neighbourhood.

- As mentioned earlier, the subject property is currently zoned “M3”, and mostly surrounded by warehouse type uses with offices and retail showrooms. Some of these properties are zoned “M2” Manufacturing General, “C3” Commercial Corridor and “C2” Commercial Community. Given the variety of zoning districts and uses in close proximity and or adjacent to the subject site, the existing retail sales use as well as the proposed call centre present a reasonable transition between the Commercial zoned properties and industrial warehouse properties. Thus, the proposed “M1” zoning and the proposed call centre is compatible with the area.
- It is also important to note that downzoning from “M3” to “M1” is supportable being that the applicant is maintaining existing structures on site, bringing existing retail sales use on site into zoning compliance.
- There are multiple variances required in association with the proposed rezoning. Many of these variances are unavoidable because the applicant is maintaining the existing building, which does not meet the dimensional standards of the proposed “M1” zoning district (See planner’s report for DAV 19-112203/D).
- Being that there are no physical alteration to the existing site layout and buildings on site, the Urban Planning Division believes that the proposed rezoning and the proposed use (a call centre) will not cause any adverse effect on other uses within the immediate vicinity.
- It is therefore recommended that the rezoning application be approved.

PLAN APPROVAL CONDITION

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

**RECOMMENDATION**

- The application is consistent with policies in the *Complete Communities Direction Strategy* for land located with the General Manufacturing Policy Area.
- The proposed rezoning would ensure that all existing and proposed uses on site are in compliance with the Zoning By-law.
- There is nothing to suggest that the downzoning would negatively affect both the current and the proposed uses.
- The proposed zoning district and use is generally consistent and compatible with the surrounding area.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DAZ 204/2019

**Schedule "A" for File No. DAZ 204/2019, Assiniboia Community Committee, dated May 23, 2019**

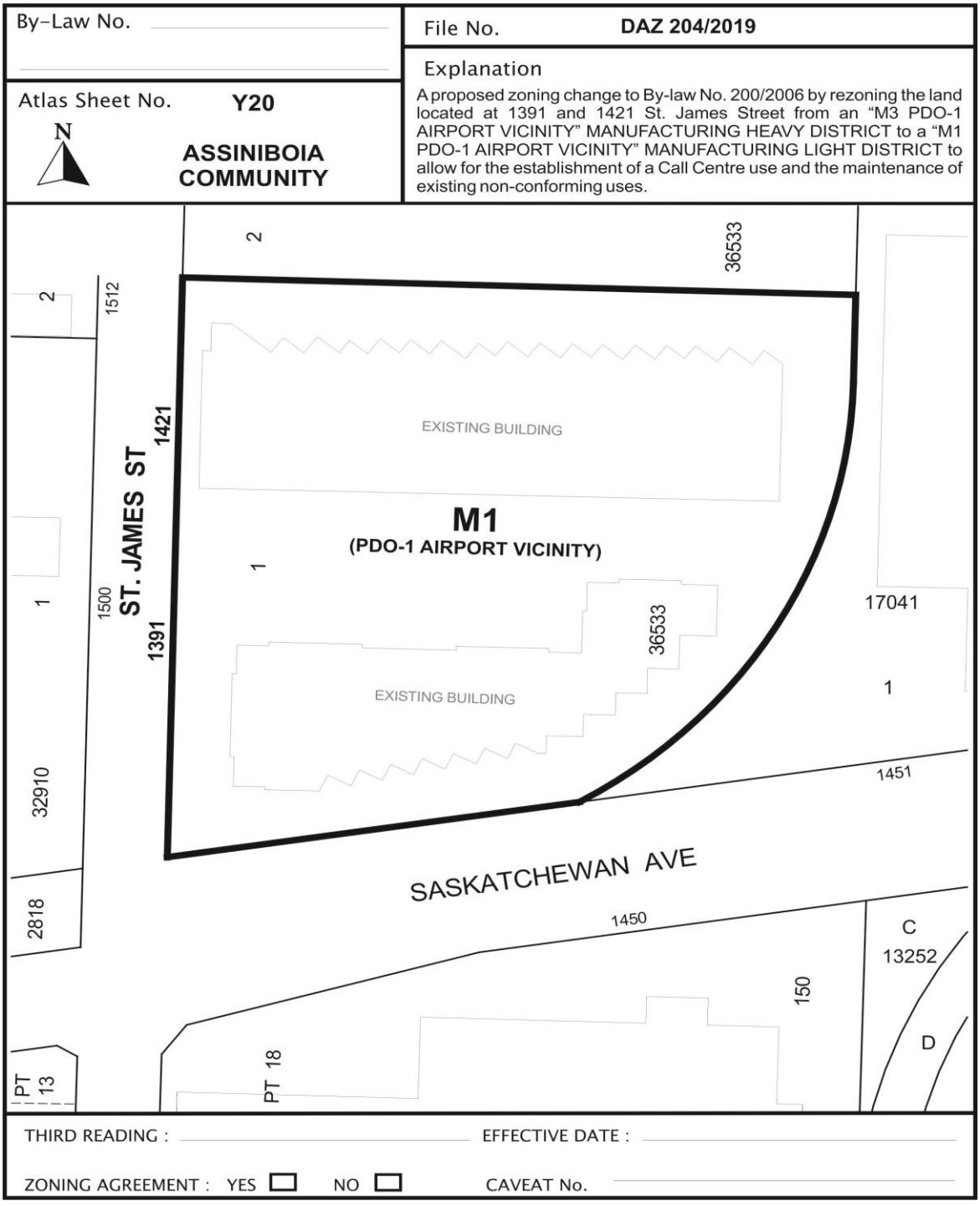
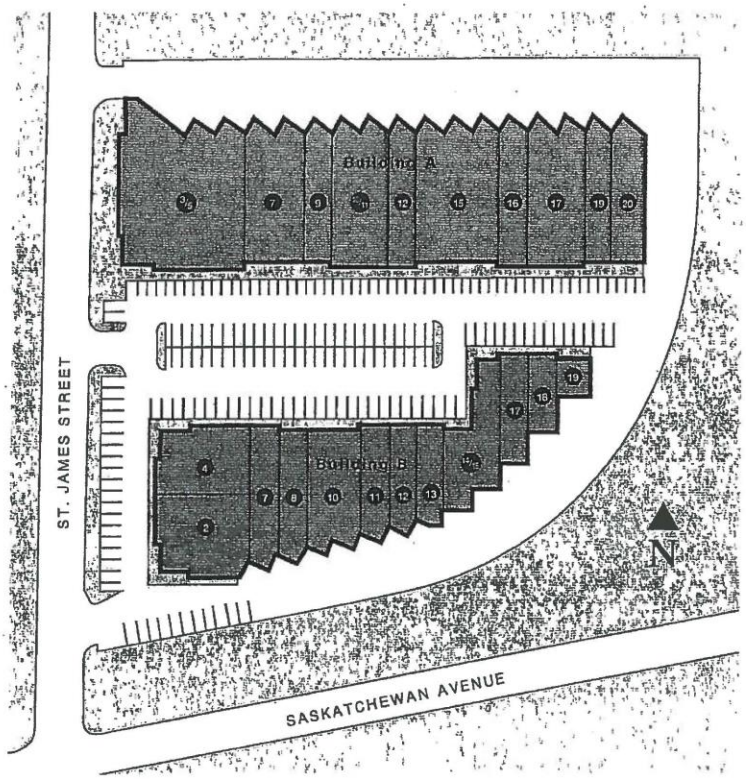
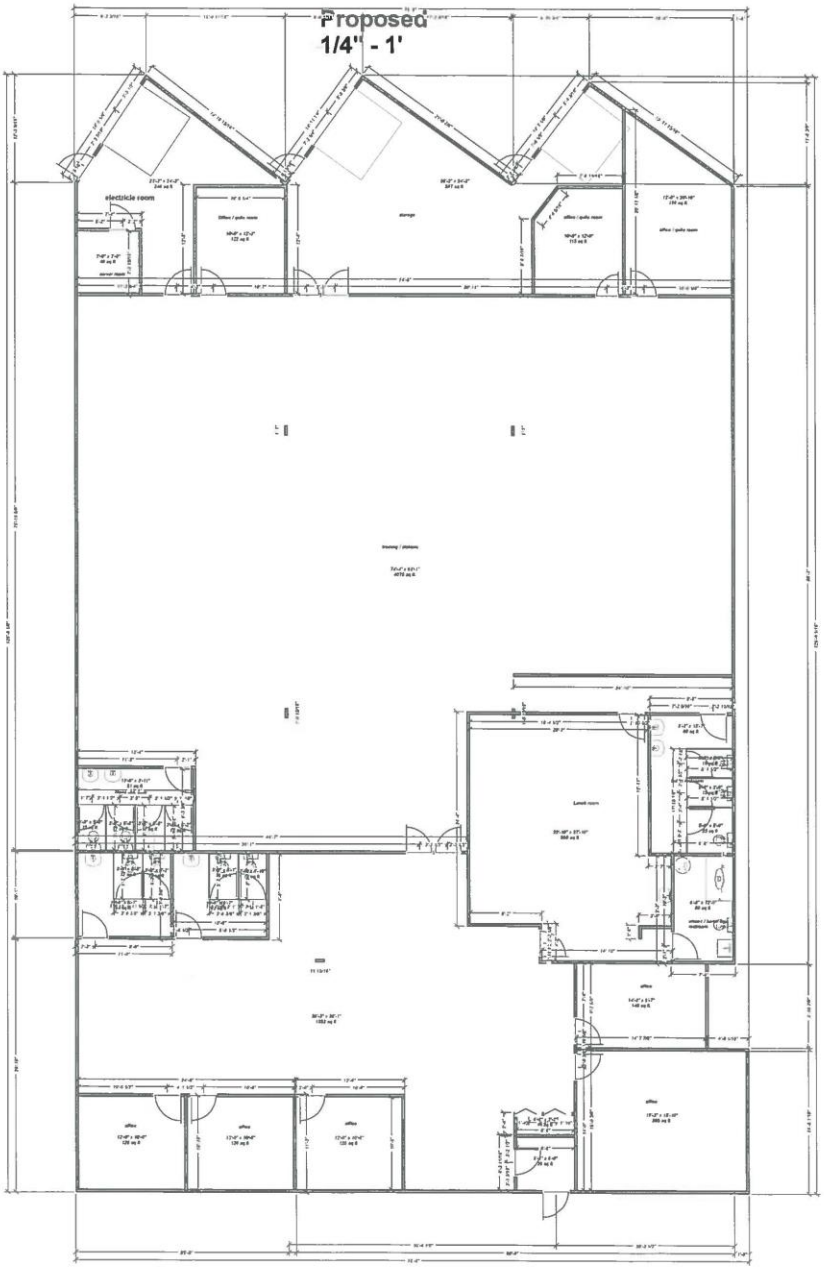


Exhibit "8" referred to in File DAZ 204/2019

## Westview Place Lease Plan




*** NOTE *** The property is being rezoned to M1.




FLOOR PLAN OF CALL CENTRE - UNIT 15 - 1424 ST. JAMES