Agenda – Executive Policy Committee – June 18, 2020

REPORTS

Item No. 8 Subdivision and Rezoning – Southern Portion of 4055 Portage Avenue Including Lots West of Race Track Drive Bounded by Portage Avenue in the South and Private Road in the North (Charleswood-Tuxedo-Westwood Ward) File DASZ 1/2020 [c/r DAV 102841/2020D]

COMMUNITY COMMITTEE RECOMMENDATION:

On June 3, 2020, 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 subdivision under Development Application No. DASZ 1/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 26, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated May 26, 2020 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by amending the Westport Festival Planned Development Overlay 2 (PDO-2 Westport Festival) in accordance with Appendix "B" to this report.

3. That Caveat No. 4837195/1 be discharged as it affects Lots 1 to 19, Plan 64068.

4. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C4 PDO-2 Westport Festival" Commercial Regional District, as shown on the map dated May 26, 2020, 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. 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. Bicycle enclosures
   f. Fencing
   g. Lighting
   h. Landscaping
   i. 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.

ii. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

iii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iv. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

COMMUNITY COMMITTEE RECOMMENDATION (continued):

v. That, where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

vi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of

vii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

viii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

ix. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

x. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

COMMUNITY COMMITTEE RECOMMENDATION (continued):

5. That the City enter into, execute and deliver with the Developer:

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

   B. A Zoning Agreement in accordance with recommendation 4,

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

6. 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 Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

7. 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 lands within the planned area not subject to Development Application No. DASZ 43/2011, as determined by the City's Director of Planning, Property and Development.

8. 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.

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

10. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

11. 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):

12. 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 recommendation 10 and 11 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

13. 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.

14. 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 June 3, 2020, 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

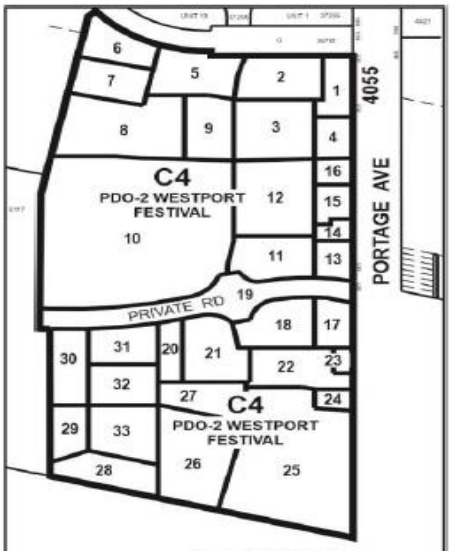
File: DASZ 1/2020

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

Public Hearing: June 3, 2020
Council Building, 510 Main Street

Applicant: 71185 Manitoba Ltd.
(John Pearson)

Subject:



APPLICANT: 71185 Manitoba Ltd.
FILE: DASZ 1/2020
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 "C4 PDO-2 WESTPORT FESTIVAL" COMMERCIAL REGIONAL DISTRICT and an "A" AGRICULTURAL DISTRICT to a "C4 PDO-2 WESTPORT FESTIVAL" COMMERCIAL REGIONAL DISTRICT to facilitate the establishment of commercial building lots and to allow a large scale regional centre accommodating large and small format retail, restaurants, office and entertainment uses, as well as a residential component. **For information, phone Mr. R. Galston, Planner at 204-986-8645.**

Premises Affected: Southern Portion of 4055 Portage Avenue including lots west of Race Track Drive bounded by Portage Avenue in the south and private road in the north

For submission to: Executive Policy Committee

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

Report date: June 4, 2020

Community Committee Recommendation:

On June 3, 2020, 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 subdivision under Development Application No. DASZ 1/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 26, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated May 26, 2020 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by amending the Westport Festival Planned Development Overlay 2 (PDO-2 Westport Festival) in accordance with Appendix "B" to this report.

3. That Caveat No. 4837195/1 be discharged as it affects Lots 1 to 19, Plan 64068.

4. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C4 PDO-2 Westport Festival" Commercial Regional District, as shown on the map dated May 26, 2020, 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 subsection 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:

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b. Accessory parking areas
c. Private approaches
d. Garbage enclosures
e. Bicycle enclosures
f. Fencing
g. Lighting
h. Landscaping
i. 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.

ii. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

iii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iv. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

v. That, where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

vi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of

vii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

viii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

ix. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

x. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

5. That the City enter into, execute and deliver with the Developer:

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

B. A Zoning Agreement in accordance with recommendation 4,

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

6. 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 Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

7. 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 lands within the planned area not subject to Development Application No. DASZ 43/2011, as determined by the City's Director of Planning, Property and Development.

8. 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.

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

10. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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14. 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 reasons for its recommendation:

1. I believe that this development has the support of the community.

2. I want to recognize that the land for several years has been underutilized. I don't see it as a great expansion to properties.

3. I believe that it will enhance the area and it is an attraction area not only because of the many car dealerships but the BellMTS Iceplex, with the training camps they hold there, the junior hockey games that are held there, for the Blues and others, and all kinds of other activities in that area, well as the great work that Garth and team does at the Red River Ex.

4. I believe this will be a great utilization of the land.

5. I also want to acknowledge there's other owners that abut the property that will have their own plans I'm sure will come forward soon.

6. And one thing I want to acknowledge that I don't think is discussed enough is the effort and investment that's already been made into the project, the commitment to improving the waterway system by the developer. It's not incurred by the City. That they will be taking care of the roads within their development; that is not a new cost to the City. So you know, I believe these are all important aspects of the development and important for taxpayers to know.

7. I personally tend to believe that it won't be used as a residential area, I don't think there is a strong enough return on the investments made at this particular point in time, I may be wrong, but we're hearing that that's not the intent and that if that changes to be multi-family and larger buildings that that will trigger a return for approvals, noting, as Councillor Gillingham was talking about, it could be similar across the entire property but again I don't see it as that.

Exhibits Filed:

1. Application dated January 22, 2020
2. Notification of Public Hearing dated March 11, 2020
3. Manitoba Status of Titles 2984218/1, 2984219/1, 2984220/1, 2984221/1, 2984222/1, 2984223/1, 2984224/1, 2984225/1, 2984226/1, 2984229/1, 2984230/1, 2984232/1, 2984237/1, 2984238/1, 2984239/1, 2984240/1, 2984241/1, 2984242/1, and 2923544/1
4. Letter of authorization dated December 2, 2019, from Garth Rogerson (The Red River Exhibition Association) to John Pearson (71185 Manitoba Ltd.)
5. Surveyor's Building Location Certificate and sketch dated April 4 and 5, 2018
6. Plans (2 pages)
7. Caveat 4837195/1
8. Communication dated November 29, 2019, from Garth Rogerson, The Red River Exhibition Association, in support of the application
9. Report from the Urban Planning Division dated May 26, 2020
10. Inspection Report
11. Submission from John Pearson, Shindico Realty Inc. in support of the application
12. Conceptual site plan submitted by the Urban Planner at the public hearing.

REPRESENTATIONS:

In Support:

John Pearson
Garth Rogerson

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit “9” referred to in File DASZ 1/2020

ADMINISTRATIVE REPORT

Title: DASZ 1/2020 – 4055 Portage Avenue

Issue: For consideration at the public hearing for a subdivision and rezoning to: subdivide 19 lots into a total of 33 lots; rezone the land in the “A” zoning district to the “C4” zoning district; amend the Westport Festival PDO Map 1 and allow multi-family residential as a permitted use.

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
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 1/2020 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the map dated May 26, 2020 and attached as Schedule “A” to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

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2. That the Winnipeg Zoning By-law No. 200/2006 be amended by amending the Westport Festival Planned Development Overlay 2 (PDO-2 Westport Festival) in accordance with Appendix “B” to this report.

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4. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a “C4 PDO-2 Westport Festival” Commercial Regional District, as shown on the map dated May 26, 2020, and attached as Schedule “A” to this report, subject to the following conditions:

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h. Landscaping; and

i. Free-standing signage

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9. 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.

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14. 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

- Subdivision and 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

OURWINNIPEG POLICY ALIGNMENT

The proposed development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	May 26, 2020
File No.	DASZ 1/2020

List of Schedules and Attachments

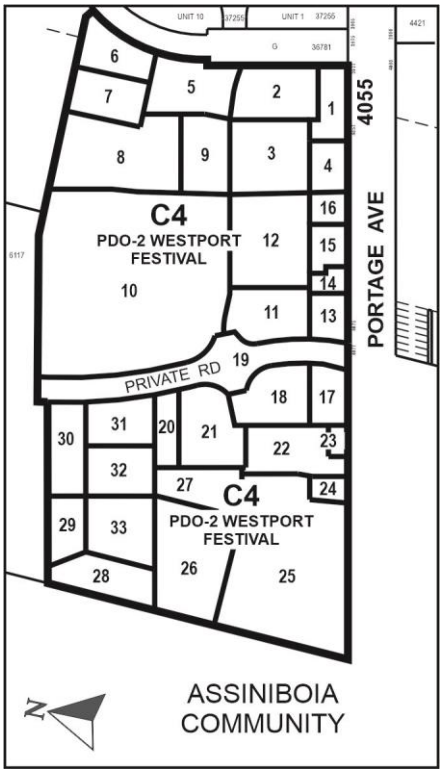
1. Appendix "A" — Planning Discussion
2. Schedule "A" — File No. DASZ 1/2020, Assiniboia Community Committee, Dated May 26, 2020
3. Schedule "B" — Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning of Land Located North of Portage Avenue, West of Race Track Road, Including the Southern Portion of 4055 Portage Avenue
4. Appendix "B" — By-law amending the Westport Festival Planned Development Overlay 2

APPENDIX 'A'

DATE: May 26, 2020
FILE: **DASZ 1/2020**
RELATED FILES: DAV 20-102841/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.227 (Assiniboia Downs)

SUBJECT: For consideration at the public hearing for a subdivision and rezoning to: subdivide 19 lots into a total of 33 lots; rezone the land in the "A" zoning district to the "C4" zoning district; amend the Westport Festival PDO Map 1 and allow multi-family residential as a permitted use.

LOCATION: 4055 Portage Avenue
LEGAL DESCRIPTION: EXC PL 64943/PBL RD 57742 PLAN 6117 89 ST C



APPLICANT: John Pearson
1355 Taylor Avenue, Suite 200
Winnipeg, Manitoba R3M 3Y9

OWNERS:
3977 Portage Avenue
Winnipeg, Manitoba R3K 2E8

RECOMMENDATION: Approval

HISTORY

DASZ 43/2011

On September 27, 2012, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 43/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 43/2011 dated September 5, 2012, 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 a servicing agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated August 27, 2012

2. That Winnipeg Zoning By-law No. 200/2006 be amended by adding the Westport Festival Planned Development Overlay 2 (PDO-2), attached as Appendix “B” (‘Schedule Q’).

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 43/2011 dated September 5, 2012 to a “C4” Commercial Regional District, subject to the following conditions:

    A. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, landscaping, lighting, and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

    C. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

    D. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

    E. That, where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be

displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

F. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of

G. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

H. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

I. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

J. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 comes into force when 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 year from the date by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
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.

DISCUSSION

SITE DESCRIPTION

- The subject site encompasses an area on the north side of Portage Avenue, a short distance west of the Perimeter Highway, in the Assiniboia Downs Neighbourhood of the Charleswood - Tuxedo - Westwood Ward.
- The subject site has a total land area of approximately 73.5 acres, which includes an existing internal private street, Festival Road.
- The subject site is currently zoned “A” Agricultural and “C4” Commercial Regional. Approximately 44 acres of the subject site are currently located within the Westport Festival Planned Development Area 2 (Westport Festival PDO).
- The subject site is designated as an Area of Transformation – Regional Mixed Use Centre policy area (Portage Avenue West at Racetrack Road) 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 recreation uses associated with the Red River Exhibition zoned “A” Agricultural.

South: A City boundary and Portage Avenue, then commercial uses located in the Rural Municipality of Headingley, and cemetery uses in the City of Winnipeg zoned “A” Agricultural.

East: A private street (Race Track Road), then commercial uses zoned “C3” Commercial Corridor.

West: A City boundary, then commercial uses located in the Rural Municipality of Headingley.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide approximately 29.5 acres labelled above as the 'proposed expansion of Westport Festival' into 14 new lots located immediately west of the existing Westport Festival site. These lots are proposed to be rezoned to a "C4" zoning district. Under such a proposal, the subject site will have a total of 33 lots, each of which will be zoned "C4." (Please see Figure 3.)
- The applicant also proposes to enable residential development within the subject site. As such, the proposed development of the site will include a mix of commercial and residential uses.
- The subject site is to be accessed from Portage Avenue by existing private streets within the subject site, Festival Road and Race Track Road. No new access from Portage Avenue is proposed.
- The proposed development is the subject of an associated Variance to allow the creation of lots with no access to a street or public right-of-way. Access to these proposed lots will be through a cross-access agreement with neighbouring properties. Please see the administrative report for this associated Variance under file no. DAV 20-102841/D.
- No building plans or design drawings have been submitted with this application.

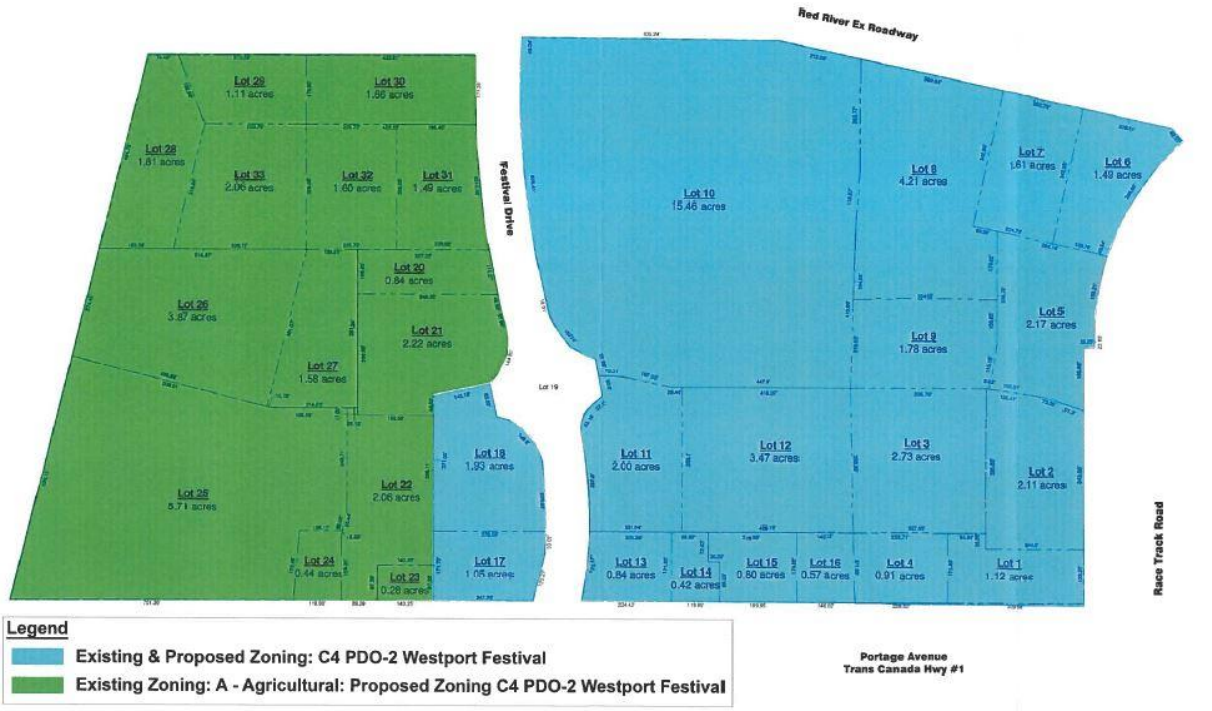


Figure 3: Surveyor's Plan showing proposed lots and public roads on the subject site.

COLLABORATION

- The applicant engaged in conversations with the Urban Planning Division in late 2019 and early 2020, in order to discuss the proposal and understand the Urban Planning Division's expectations for development within a Regional Mixed Use Centre.
- Given the location of the subject site, with no adjacent residential properties, no public consultation efforts were undertaken.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's long-range development plan. A Key Direction of *OurWinnipeg* regarding the entire city include:
    - *Accommodate growth and change in Transformative Areas within the city's building environment including: Mixed Use Centre and Corridors, Major Redevelopment Sites, and Downtown.*
    - *Ensure that a sufficient supply of developable land emerges at an appropriate place and that the supply remains well distributed both in terms of geography and scale to ensure a competitive market.* :

- 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 site is classified as an "Area of Transformation – Regional Mixed Use Centre" in *Complete Communities*' Urban Structure map. Areas of Transformation will accommodate a mix of uses and higher density development, and act as gathering spaces that support the daily activities of local residents.
- With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - *Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.*
    - *Support a range of housing opportunities in terms of type, tenure, unit size.*
    - *Encourage urban design and/or form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.*
    - *Mitigate the potential impacts of new development on neighbouring streets, parks, and properties.*
    - *Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.*
    - *Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.*
    - *Support multi-modal connectivity.*
    - *Support development in accordance with Universal Design and Crime Prevention Through Environment Design (CPTED) policies.*
    - *Support high-frequency transit service by encouraging high density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.*

SUBDIVISION

- As noted above, subdivision is required in order to establish a total of 33 building lots on the subject site.
- The primary point of access to the subject site is to be from two existing private streets that intersect with Portage Avenue, Festival Road and Race Track Road. All existing and proposed new lots within the subject site will take vehicular access either directly from one of these private streets, or through a cross-access agreement with neighbouring properties.
- As noted above, this cross-access agreement is the subject of an associated Variance under file no. DAV 20-102841/D.

REZONING

- As noted above, the subject site is currently zoned "A" Agricultural and "C4" Commercial Regional. The Agricultural zoning district is intended for general agricultural activities.

- The applicant is proposing to rezone all lands within the planned area zoned “A” Agricultural to the “C4” Commercial Regional zoning district.
- The “C4” zoning district is intended primarily for large-scale, distinctive, and attractive regional centres containing a mix of concentrated land uses. 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. Development should facilitate and encourage pedestrian travel between uses. These areas are associated with Regional Mixed Use Centres.

AMENDMENT TO WESTPORT FESTIVAL PLANNED DEVELOPMENT OVERLAY 2

- As noted above, the applicant proposes to amend the Westport Festival Planned Development Overlay 2 (Westport Festival PDO). This amendment includes the following two components:
    - Include multi-family residential dwellings as a permitted use within Map 1 of the Planned Development Overlay; and,
    - Expand the boundaries of the Westport Festival PDO Map 1 to include new lands at the westerly portion of the subject site currently zoned “A” Agricultural.”
- With respect to amending the PDO to allow multi-family residential as a permitted use, the “C4” zoning district does not permit residential uses. As such, including multi-family residential as a permitted use, the Westport Festival area can develop as a mixed-use area with a multi-family residential component, which is consistent with *Complete Communities* policies for Region Mixed Use Centres.
- Any residential structure would be subject to the dimensional standards of the “RMU” Residential Mixed-Use Zoning district. These dimensional standards are highlighted below, in Figure 4.
- Given the policies for Regional Mixed Centres in the *Complete Communities Direction Strategy*, which support higher density and mixed-use development, the Urban Planning considers the “RMU” dimensional standards to be appropriate for future residential structures on the subject site.

TABLE 5-4: Dimensional Standards for Multi-Family Districts
amended 135/2016; 12/2017

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum/ Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum/ Maximum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Minimum/ Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-S	9,000	1,250	20 / NA	25	4	5 / NA	8	NA / 35
RMF-M	9,000	800	25 / NA	25	8 **[note b]**	20/ NA	8	NA / 60
RMF-L	20,000	400	25 / NA	25	8 **[note b]**	20 / NA	8	NA / 150
RMU	9,000	500	20 / NA	25	5 **[note b]**	20 / NA	8	NA / 100
TOD	NA	200	NA / 10 [note c]	25	5 **[note b]**	NA / 10 [note c]	8	30 / 200
Single-family residential structures must meet the requirements of the R1-M zoning district								
Two-family residential structures must meet the requirements of the R2 zoning district								

Figure 4: Dimension Standards for all "RMU" Residential Districts.

CONSISTENCY WITH COMPLETE COMMUNITIES DIRECTION STRATEGY

- As noted above, the subject site is situated within the Areas of Transformation – Regional Mixed Use Centre policy area under the *Complete Communities Direction Strategy.*
- The proposal is consistent with policies for Areas Transformation – Regional Mixed Use Centres under the *Complete Communities Direction Strategy*. Specifically:
    - Policies for Regional Mixed Use Centres support a mix of uses, including higher density residential uses.
    - Future multi-family residential development will provide a greater mix of housing types in the Assiniboia Downs Neighbourhood and in the west Winnipeg area more broadly.
    - The layout and design of the proposed development is sensitive to the surrounding context, which is characterized by a mix of commercial uses.

COMPATIBILITY WITH SURROUNDING AREA

- In addition to the proposed development being generally consistent with relevant polices under the *Complete Communities Direction Strategy*, it is not likely to have an adverse impact on existing development within the surrounding Assiniboia Downs Neighbouhood.
- Additionally, the proposed development is not considered to have an adverse impact on future development in the nearby vicinity and is generally compatible with the overall vision for the broader area, including Assiniboia Downs and Red River Exhibition operations.
- In discussing the proposal with the Urban Planning Division, the applicant has communicated that the proposed development is envisioned as a mixed-use community, where residents can find many of their day-to-day commercial amenities, such as cafes, grocery stores, and medical clinics.

- Although the subject site is currently not serviced by Winnipeg Transit, Transit will service the subject property in the future at such time that an internal private street network is completed. This private street network will link Race Track Road and Festival Road. The applicant has communicated that future development of the subject site will be designed to include pedestrian connections to future transit stops.
- It is recommended that any new development within the subject site is subject to Plan Approval by the Director of Planning, Property and Development. This condition will ensure that future development on the subject site is designed in a manner consistent with policies in the *Complete Communities Direction Strategy*, including the provision of strong pedestrian connections between buildings and transit stops, high-quality plazas and streetscapes, and high-quality landscaping elements.

CONDITIONS OF APPROVAL

Development Agreement

- The Winnipeg Public Service recommends that the developer enter into a Servicing Agreement with the City of Winnipeg, in order to address issues relating to municipal services and infrastructure within the planned area. These issues are discussed in the Report of the Administrative Coordinating Group (ACG), which is attached to this report as Schedule “B.”

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- In the case of the subject proposed subdivision and rezoning, the Planning, Property and Development Department is recommending that the developer provide ‘cash in lieu’ of a dedication of land for only those lands at the westerly portion of the site currently zoned “A” Agricultural, which were not subject to DASZ 43/2011.

RECOMMENDATION

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

- The subdivision and rezoning, subject to the recommended conditions, complies with policies for Regional Mixed Use Centres under the *Complete Communities Direction Strategy*, which support higher-density residential development and mixed uses.
- The proposal is compatible with the surrounding area.
- It is understood that the subject site is to be serviced by Transit, and will feature a high degree of connectivity between the individual lots.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 1/2020

Schedule "A" for File DASZ 1/2020, Assiniboia Community Committee, dated May 26, 2020

By-Law No. _____

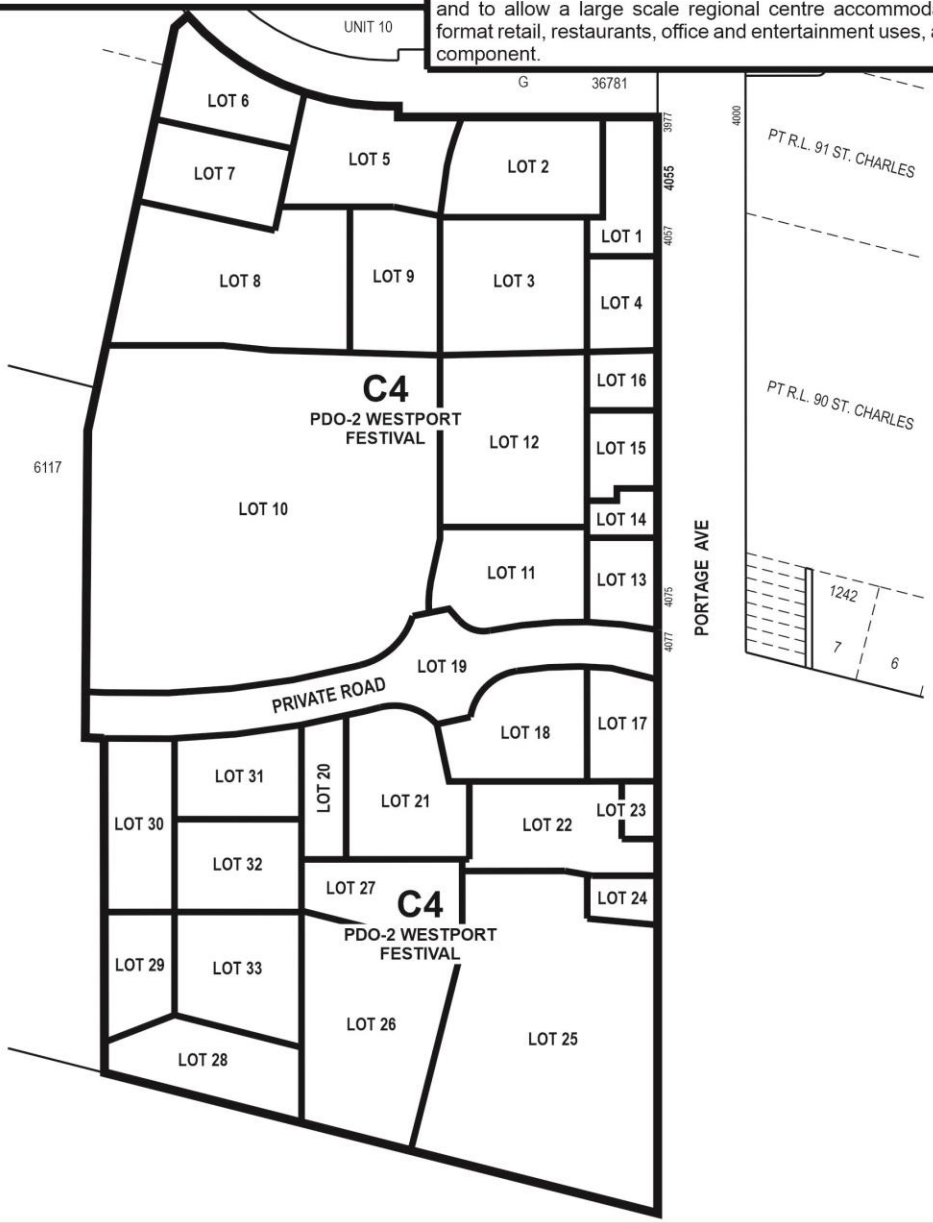
File No. **DASZ 1/2020**

Atlas Sheet No. **AA10**

ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located north of Portage Avenue, west of Race Track Road, including the southern portion of 4055 Portage Avenue, from a "C4 PDO-2 WESTPORT FESTIVAL" COMMERCIAL REGIONAL DISTRICT and an "A" AGRICULTURAL DISTRICT to a "C4 PDO-2 WESTPORT FESTIVAL" COMMERCIAL REGIONAL DISTRICT to facilitate the establishment of commercial building lots and to allow a large scale regional centre accommodating large and small format retail, restaurants, office and entertainment uses, as well as a residential component.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B"

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – March 17, 2020

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED NORTH OF PORTAGE AVENUE, WEST OF RACE TRACK ROAD, INCLUDING THE SOUTHERN PORTION OF 4055 PORTAGE AVENUE

It is recommended that approval of DASZ 1/2020, if granted, be subject to the applicant addressing the following and entering into a Servicing Agreement, if required:

Section I – Servicing Reports & Servicing Criteria

1) The Developer shall provide an updated servicing report, prepared by a qualified municipal engineer, which will outline the servicing of the proposed subdivision and adjacent lands, to the satisfaction of the Director of Water and Waste. This servicing report shall demonstrate that all surrounding developments wastewater contributions can be accommodated by the wastewater sewer main in Portage Avenue.

2) The Developer will be required to provide satisfactory evidence that Manitoba Infrastructure and/or the Rural Municipality of Headingley have consented to accept land drainage flows from the Planned Area.

3) The Public Works Department has indicated that the portion of Portage Avenue abutting the Planned Area is under the jurisdiction of Manitoba Infrastructure, thus the proposed development should be circulated to Manitoba Infrastructure for review and comment.

Section II – Servicing Considerations

1) Wastewater Sewers

The Developer shall, at no expense whatsoever to the City, construct and install all wastewater collection system upgrades required to serve the Planned Area and adjacent lands, as indicated by the servicing report, to the satisfaction of the Director of Water and Waste. If servicing upgrades are not constructed by the Developer, the Developer shall pay their share of the cost of the system upgrades constructed by others, to the satisfaction of the Director of Water and Waste.

2) Joint Servicing Easement Agreement

The Developer shall enter into, register and maintain in perpetuity by way of a caveat against the titles to lots within the Planned Area, an appropriate private easement or joint services agreement with owners of the other affected lots to enable the servicing of the lots in the Planned Area without fronting water, wastewater, and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private services.

3) Cross-Access Agreement

a) The Developer and all successors in title to the lots in the subdivision shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads. The cross-access agreement shall be reviewed and approved by the Public Works Department prior to registration at WLTO.

b) If a cross-access easement agreement already exists, the Developer shall provide a copy of the agreement to the City.

4) Litter and Refuse Control and Clean-Up

(a) The Developer shall, at no expense whatsoever to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse related to construction and development of the Planned Area, 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.

5) 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.

Section III – 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 this 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, parklands, parkways 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 pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 1/2020
March 17, 2020

"*Original Signed by D. Trenchard*"
D. Trenchard, P. Eng.,
Land Development Branch
Planning, Property and Development Department

"*Original Signed by C.J. Desjardine*"
C. J. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

"*Original Signed by M. Gajda*"
M. Gajda, P. Eng.
Engineering Division
Water & Waste Department

APPENDIX "B"

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of The City of Winnipeg to amend Schedule Q to Winnipeg Zoning By-law No. 200/2006, Westport Festival Planned Development Overlay 2.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *Schedule Q to The Winnipeg Zoning By-law No. 200/2006, Westport Festival Planned Development Overlay 2 (PDO-2 Westport Festival) is amended as follows:*

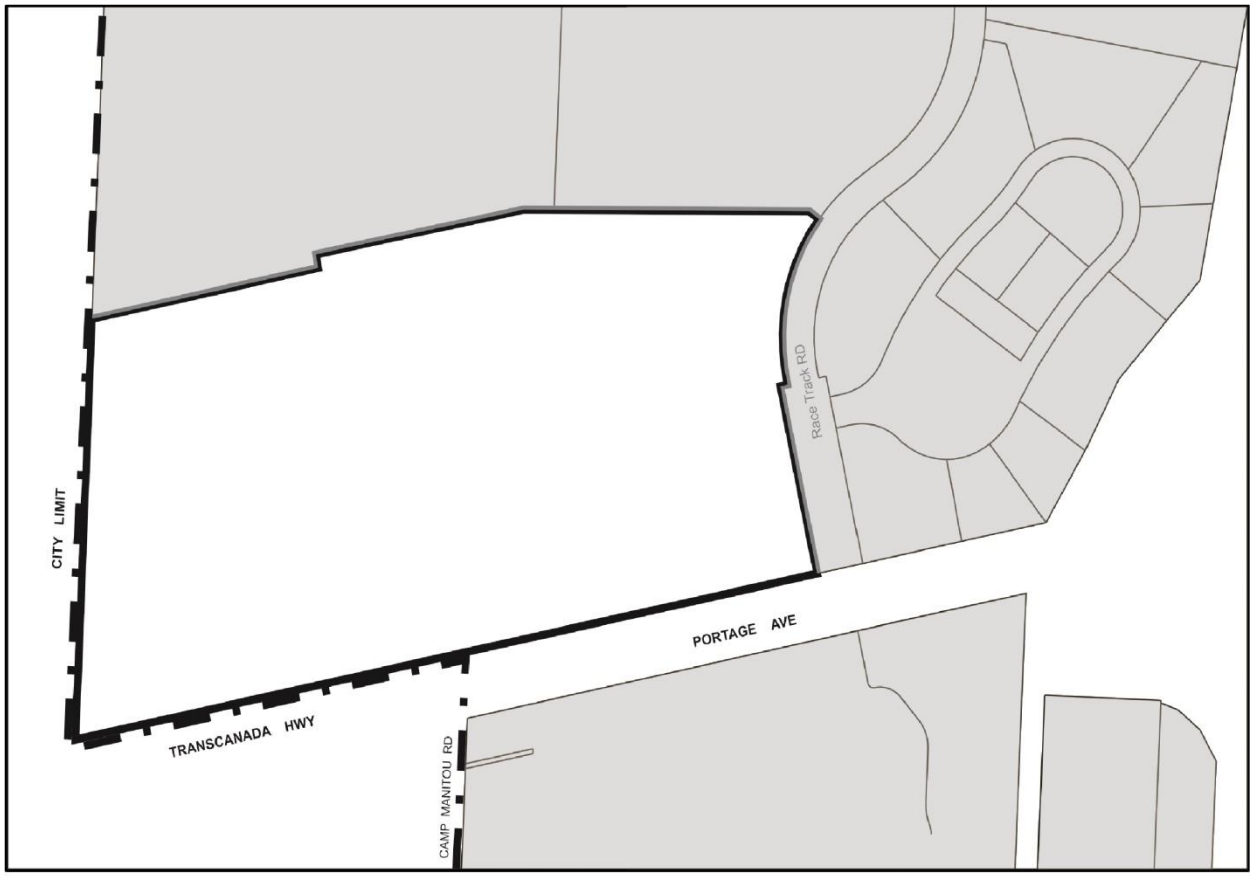
2 *In Section 6, the following is added:*

(17) Dwelling, multi-family*

3 *The following is added after Section 16:*

17. All multi-family residential structures must meet the requirements of the RMU zoning *district*

4 *Map 1 is struck out and the following is substituted:*



DONE AND PASSED this th day of , 2020.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____ _____
for Director of Planning, Property and Development

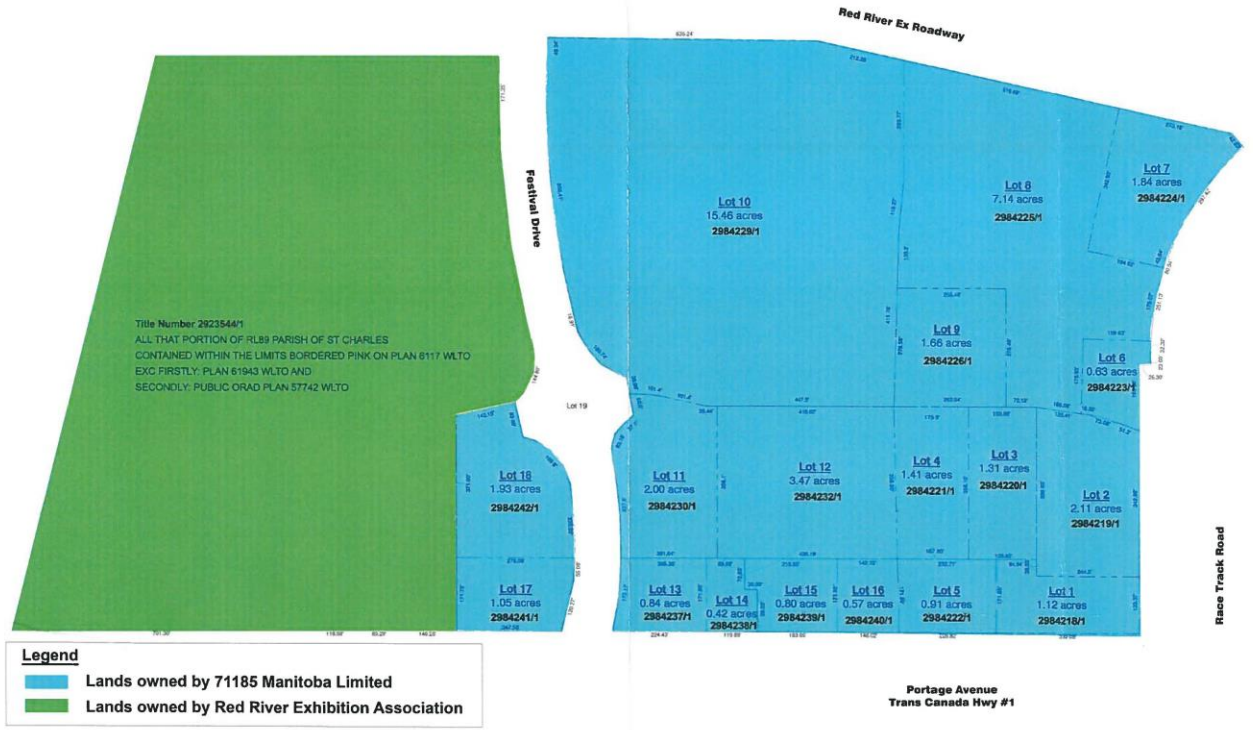
Approved as to form:

_____ _____
for Director of Legal Services and City Solicitor

Exhibit “6” referred to in File DASZ 1/2020

3977 Portage Avenue - Title Plot

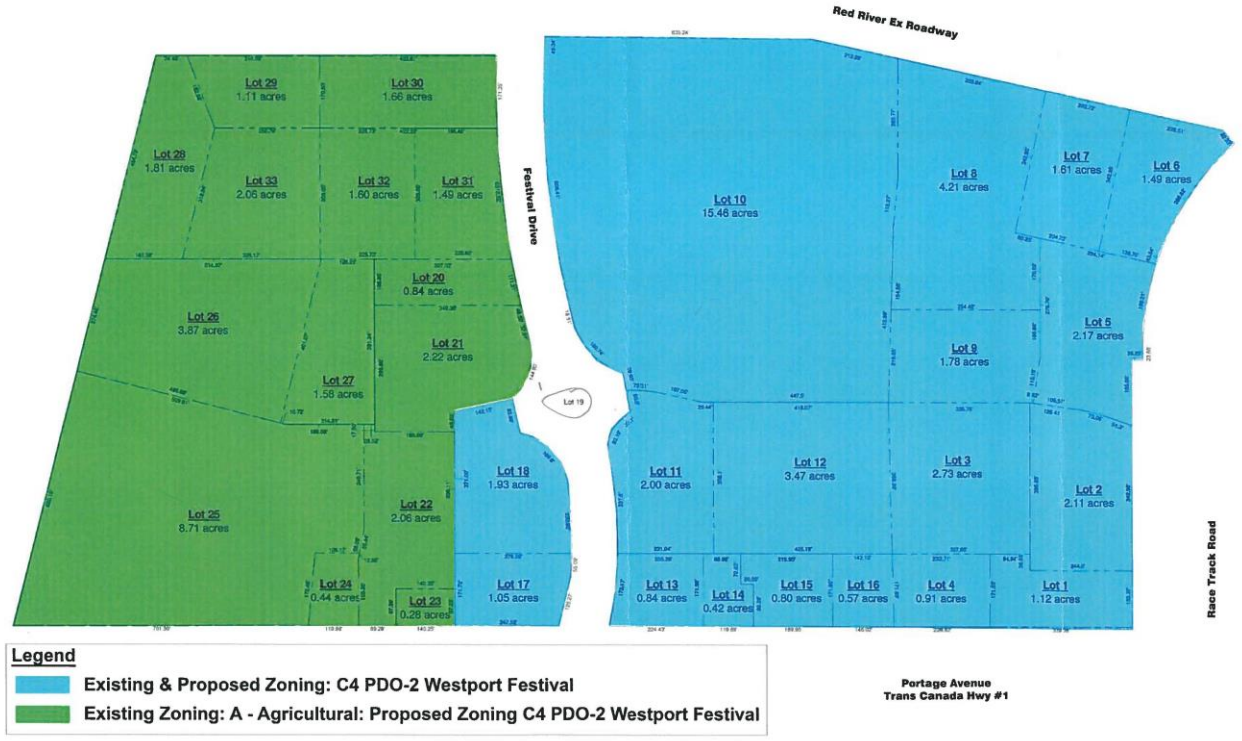
Winnipeg, Manitoba



Shindico
Succeeding By Helping Others Succeed

3977 Portage Avenue - Subdivision Plan

Winnipeg, Manitoba



Shindico
Succeeding By Helping Others Succeed