

Minute No. 528

Report – Executive Policy Committee – September 21, 2020

**Item No. 8 Rezoning – 225/235 McPhillips Street and 1030 Pacific Avenue
 (Point Douglas Ward)
 File DAZ 200/2020 [c/r DAV 126403/2020D]**

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 200/2020 by rezoning the subject land to a “M2” Manufacturing General District as shown on the map dated September 8, 2020 and attached as Schedule “A” to this report subject to the following conditions:
 - A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 11, 2020 and attached as Schedule “B” to this report.
 - B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").
 - C. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
2. That 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.

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COUNCIL DECISION (continued):

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 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.
7. That the Proper Officers of the City be authorised to do all things necessary to implement the intent of the foregoing.

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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 September 21, 2020, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2020, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File: DAZ 200/2020

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Santos

Public Hearing: September 8, 2020
Council Building, 510 Main Street

Applicant: LM Architectural Group (David Kressock)

Subject:



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Premises Affected: Rezoning – 225/235 McPhillips Street and 1030 Pacific Avenue

For submission to: Executive Policy Committee

Prepared by: Pieter Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: September 8, 2020

Community Committee Recommendation:

On September 8, 2020, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 200/2020 by rezoning the subject land to a “M2” Manufacturing General District as shown on the map dated September 8, 2020 and attached as Schedule “A” to this report subject to the following conditions:
 - A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 11, 2020 and attached as Schedule “B” to this report.
 - B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").
 - C. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
2. That 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 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.
7. That the proper Officers of the City be authorised to do all things necessary to implement the intent of the foregoing.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. I’m very excited to see this redevelopment happen in this area; this major corridor we’ve heard that there has been lots of good dialogue between the administration and as well as Manitoba Building Trades so I’m always happy to hear that those things worked out really well and that things are moving along.
2. I don’t see any negativity from the area around, the surrounding neighbours which is always a good thing and seeing that bringing in new development sparks redevelopment in other areas is always a good thing for us especially in the north end so I am very happy to see that in here as well.
2. Unfortunately, we can’t have school start with COVID, it’s been a trying year but with the patience of Mr. Sandhu and his partners I want to thank them for that and their patience on that. We did try to get you in a bit sooner but unfortunately just with timing and processes and stuff like that, so again I appreciate your guys’ support on that and moving forward, so you know this is a great project and I’m looking forward to the, you know, the grand opening that you’ll have but I want to thank everyone for their patience and I appreciate your guys’ support in that things are a little bit more better and that sounds like a really fantastic project

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for the area and also us supporting the inclusion and diversity for women in trades as well so that is my supporting comments.

- Exhibits Filed:
1. Application dated April 15, 2020
 2. Notification of Public Hearing dated July 21, 2020
 3. Manitoba Status of Title 3049792/1
 4. Letter of authorization dated November 22, 2019
from Sudhir Sandhu, Manitoba Building Trades to
LM Architectural Group
 5. Plans (2 pages)
 6. Report from the Urban Planning Division dated September 8, 2020
 7. Inspection Report
 8. Recording of Representations

REPRESENTATIONS:

In Support:
David Kressock
Sudhir Sandhu

In Opposition:
Nil

For Information:
Nil

For the City:
R. Hayer, Planner, Planning, Property and Development Department
J. Platt, Senior Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 200/2020

ADMINISTRATIVE REPORT

Title: DAZ 200/2020 – 225 McPhillips Street

Issue: An application for consideration at the public hearing to rezone the property from “M3” Manufacturing Heavy to “M2” Manufacturing General to facilitate the establishment of a proposed Commercial School use

Critical Path: Lord Selkirk-West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer			

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 200/2020 by rezoning the subject land to a “M2” Manufacturing General District as shown on the map dated September 8, 2020 and attached as Schedule “A” to this report subject to the following conditions:
 - A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 11, 2020 and attached as Schedule “B” to this report.
 - B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").
 - C. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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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.
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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 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.
7. That the proper Officers of the City be authorised 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 "M3" Manufacturing Heavy to "M2" Manufacturing General to facilitate the establishment of a proposed Commercial School use.
- 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 proposal can proceed.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared by	R. Hayer (MCP)

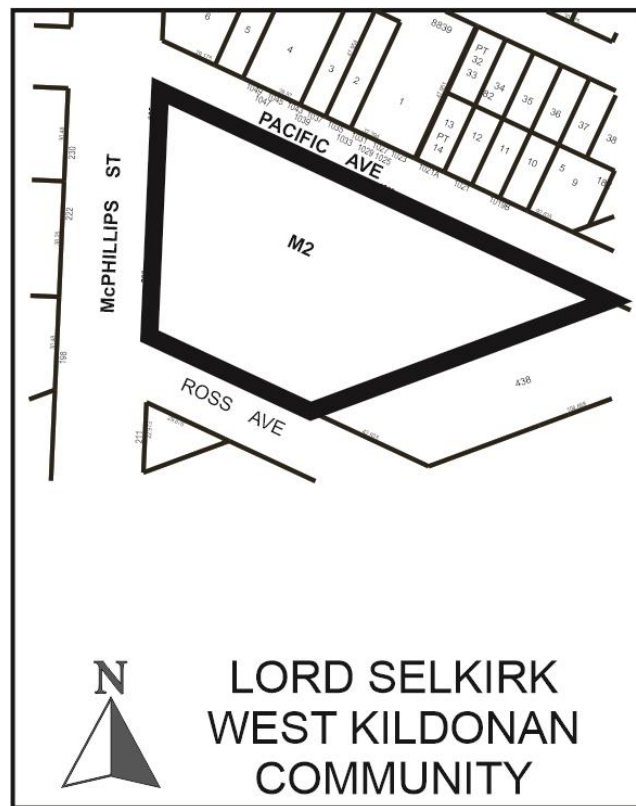
Date: September, 8, 2020
File No. DAZ 200/2020

Attachments

- Appendix “A,” Planning Discussion
- Schedule “A,” of File DAZ 200/2020, Lord Selkirk - West Kildonan Community Committee, dated September 8, 2020.
- Schedule “B,” Report of The Administrative Coordinating Group – August 11, 2020. RE: Proposed Rezoning of Land Located At 225 & 235 McPhillips Street And 1030 Pacific Avenue.

APPENDIX 'A'

DATE: August 17, 2020
FILE: **DAZ 200/2020**
RELATED FILES: DAV 20-126403/D
COMMUNITY: Lord Selkirk-West Kildonan
NEIGHBOURHOOD #: 3.101 (Logan-C.P.R.)
SUBJECT: To rezone the subject land from M3" Manufacturing Heavy to "M2"
Manufacturing General
LOCATION: 225 McPhillips Street
LEGAL DESCRIPTION: PCL A PLAN 66445 9 ST J



APPLICANT: David Kressock
136 Market Avenue Unit 500
Winnipeg, Manitoba R3B 0P4

OWNER: MBT ONE 909 Inc.
136 Market Avenue 510
Winnipeg, Manitoba R3B 0P4

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located at the southeast corner of McPhillips Street and Pacific Avenue, in the Logan-C.P.R. neighbourhood and the Point Douglas ward.
- The subject site is approximately 88,310 sq. ft. in lot area. The site has approximately 264 ft. of frontage along McPhillips Street and 533 ft. along Pacific Avenue.
- The building currently on the site is classified as a Warehouse use. The subject building is currently undergoing renovations.
- The subject site contains an accessory parking area located to the rear (east) of the building. Vehicular access to the parking area is from Pacific Avenue.
- The subject site is designated “Employment Lands – General Manufacturing” policy area under the *Complete Communities Direction Strategy of OurWinnipeg*, and is zoned “M3” Manufacturing Heavy district under Zoning Bylaw no. 200/2006.

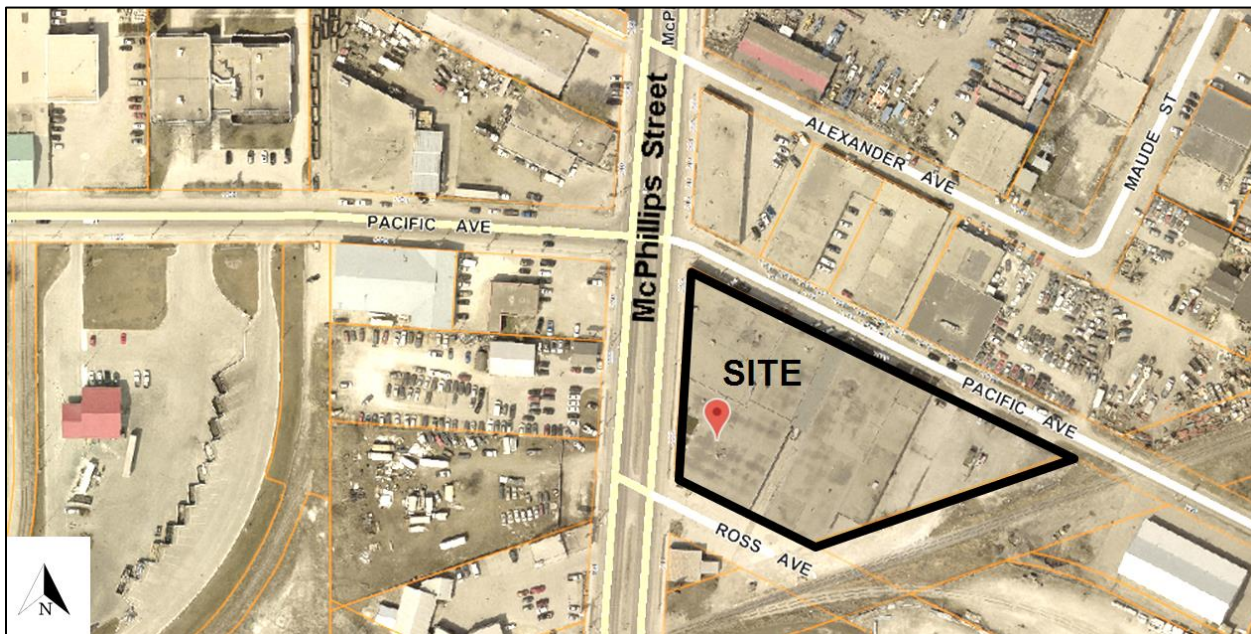


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2018)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Pacific Avenue; then a multi-tenant warehouse building zoned “M3” Manufacturing Heavy district.

South: Ross Avenue; then Canadian Pacific Railway line zoned “M3” Manufacturing Heavy.

East: Canadian Pacific Railway line zoned “M3” Manufacturing Heavy.

West: McPhillips Street; then an auto-repair shop zoned “M3” Manufacturing Heavy district, and vacant land zoned “MMU” Manufacturing Mixed-Use district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED REZONING

- The applicant is proposing to rezone the property from “M3” Manufacturing Heavy to “M2” Manufacturing General in order establish an Office and Commercial School use in the existing building on the site.
- The proposed development involves renovations to the existing building and establishing a business office and training centre for Manitoba Building Trades. No new buildings or structures are proposed.
- In addition to the proposed rezoning, the applicant has also applied for variances to accommodate the proposed uses within the existing building, and a temporary change of use variance under file DAV 20-126403/D. A report on this matter has been submitted to the Lord Selkirk-West Kildonan Community Committee for consideration

Collaboration:

- Prior to applying for the subject applications, the proponent met with and consulted the Urban Planning Division. The Division communicated general support for the rezoning and variances.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is in a “General Manufacturing - Employment Lands” Policy Area of *OurWinnipeg* and *Complete Communities*. The discussion points under “Our New Approach to Employment Lands” outline the City’s vision:

Facilitates a broader range of uses within Employment Lands, providing flexibility, adaptability and responsiveness to the market place (page 92).
- Key policies include:

Maximize the economic development potential of existing and future employment lands.

Ensure that employment areas are well-planned, sustainable over the long term and fit the community context.
- In terms of allowing a mix of uses within the “General Manufacturing” Policy Area, the “Employment Lands Use Chart” in *Complete Communities* highlights the mix of uses to be “Limited” allowing “Office” as well as “Supportive Personal Service”.

REZONING ANALYSIS

Proposed Zoning District:

- Given the property is in a “General Manufacturing” policy area of *OurWinnipeg* and *Complete Communities*, a rezoning to “M2” Manufacturing General District would be appropriate.
- An “Office” use is listed as being appropriate for the General Manufacturing policy area, and is also permitted under the existing zoning.
- The rezoning is necessary to accommodate the proposed Commercial School use, which would be a training centre for Manitoba Building Trades.
- The proposed Commercial School would add a supportive personal service use to an Employment Area and would support training opportunities for Winnipeggers, thereby enhancing economic development potential of employment lands.
- The area also contains several commercial amenities that will support the day-to-day needs of employees and trainees attending to the proposed facility. Transit service is readily available on McPhillips Street as well. Thus, the subject site is appropriate for the proposed uses.
 - After review, the proposed rezoning would be consistent with *OurWinnipeg* and *Complete Communities*.

Compatibility with the Surrounding Neighbourhood

- The proposed rezoning would be consistent with, and compatible with, the zoning of adjacent parcels. Properties in the vicinity of the subject site are zoned “M2” and “M3” District. There are no sensitive land uses near the subject site.
- The subject property is located on McPhillips Street, which is a major arterial street connecting several different neighbourhoods in Winnipeg. A transition from the existing “M3” Manufacturing Heavy district zoning to the “M2” Manufacturing General district is generally appropriate for a heavily traffic street such as McPhillips Street.

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- The Dimensional Standards of the proposed “M2” Manufacturing General district are also very similar to the standards for the “M3” Manufacturing Heavy district, which is the properties current zoning designation. The only differences in dimensional standards are that buildings under “M2” are permitted a lesser height and lesser lot coverage when compared to the “M2” district (see Table 1).
 - After review, the proposed rezoning would be compatible with the area, and is unlikely to create an adverse effect.

Dimensional Standards						
Zoning District	Minimum/Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Maximum Height of Building (Ft.)	Maximum Floor Area Ratio
M2	25	0	0	15	100	2.0
M3	25	0	0	15	150	3.0

Table 1: Dimensional Standards Table, Zoning By-law 200/2006.

Conditions of Approval:

- As noted under Schedule B to this report, the Public Works Department recommends the Owner enter into a Servicing Agreement with the City to require the following:
 - The site currently has two (2) private approaches providing vehicular access to the parking area, which is located east of (behind) the existing building. It is recommended that the easterly most private approach be closed and the boulevard be reconstructed; and the westerly most approach be reconstructed and modified to the satisfaction of Public Works.
 - It is recommended that a new sidewalk be constructed along the south side of Pacific Avenue, between McPhillips Street and the proposed private approach to the accessory parking area.
- Please see the Administrative Report for related file DAV 20-126403/D for recommended conditions of approval relating to the requested variances.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning & Design Division
Report Prepared by: R. Hayer
PPD File # DAZ 200/2020

APPENDIX “B”

Schedule “A” for File No. DAZ 202/2020, Lord Selkirk-West Kildonan Community Committee, dated September 8, 2020.

By-Law No. _____ Atlas Sheet No. X23 <div style="display: flex; align-items: center;"> <div> LORD SELKIRK WEST KILDONAN COMMUNITY </div> </div>	File No. DAZ 200/2020 Explanation A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 225/235 McPhillips Street and 1030 Pacific Avenue from an “M3” MANUFACTURING HEAVY DISTRICT to an “M2” MANUFACTURING GENERAL DISTRICT to allow for the establishment of a Commercial School use.
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THIRD READING : _____	EFFECTIVE DATE : _____
ZONING AGREEMENT : YES ☐ NO ☐	CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 225 & 235 MCPHILLIPS STREET AND 1030 PACIFIC AVENUE

It is recommended that the approval of DAZ 200/2020, if granted, be subject to the applicant entering into a Servicing Agreement and address the following items where applicable:

Section I – General Comments

The Public Works Department has advised the following:

- 1) the existing parking within the south boulevard of Pacific Avenue is illegal and creates traffic operating and safety concerns;
- 2) the Developer will be required to reconstruct the south boulevard of Pacific Avenue with landscaping and curbing;
- 3) the existing private approach to the property's parking facility will need to be modified and reconstructed as a portion appears to be constructed of gravel; further, the site plan may need to be modified to ensure the vehicles within the proposed loading stalls are not backing out onto Pacific Avenue; and,
- 4) the most eastern private approach will need to be closed,

all of the items under (1) to (4) above can be addressed under the private access application process. The Public Works Department suggests the Developer continue investigating the closure of Ross Avenue, east of McPhillips Street.

Section II – Servicing Conditions

1) **Sidewalks**

The Developer shall, at no expense whatsoever to the City, construct a 1.5 m wide by 100 mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off the property line, along the south side of Pacific Avenue between McPhillips Street and the proposed approach to their parking facility, approximately 120m east of McPhillips Street, as determined by and to the satisfaction of the Director of Public Works.

2) **Boulevards**

- (a) The Developer shall, at no expense whatsoever to the City, sod (if required) and plant trees on all boulevards abutting the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to and approved by the Director of Public Works.

- (b) The Developer shall, at no expense whatsoever to the City, maintain the sod for a period of one year and trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

3) Construction Traffic

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

4) Litter and Refuse Control and Clean-Up

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 completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

5) Combined Sewer District

The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed development cannot exceed the allowable discharge rate:

- i. The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.
- ii. The peak land drainage discharged from the site must be based on a c-value of 0.40, with a 5 year rainfall event applied.
- iii. The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (<http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm>), unless otherwise approved.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 200/2020
August 11, 2020

"Original Signed by D. Trenchard"

D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"Original Signed by M. Gajda"

M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"Original Signed by C. Desjardine"

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

Exhibit “5” referred to in File DAZ 200/2020

