Minute No. 244
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

Item No. 11 Amendment to Council Conditions for Rezoning – 225/235 McPhillips Street and 1030 Pacific Avenue
(Point Douglas Ward)
File DAZ 200/2020

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. Delete Recommendation 1 of the Administrative Report in its entirety and replace with the following:

   "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"

2. Delete Recommendation 5 in its entirety, namely:

   "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."

3. Delete Recommendation 6 in its entirety, namely:

   "That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 6 unless the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."

4. Add the following new Recommendation and renumber accordingly:

   "That the Developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 11, 2020."

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

COUNCIL DECISION (continued):

5. Delete Clauses 1), 2), 3) and 4) under Section II – Servicing Conditions of Schedule B – Report of the Administrative Coordinating Group, namely:

"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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

COUNCIL DECISION (continued):

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."

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 7, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 31, 2022, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to Standing Policy Committee on Property and Development, Heritage and Downtown Development.

On January 10, 2022, the Lord Selkirk-West Kildonan Community Committee laid the matter over for 30 days.

ADMINISTRATIVE REPORT

Title: Amendment to Council Conditions for Rezoning – 225/235 McPhillips Street and 1030 Pacific Avenue McPhillips File DAZ 200/2020

Critical Path: Lord Selkirk – West Kildonan Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Jasper			

EXECUTIVE SUMMARY

On September 30, 2020 Council concurred in the recommendation of the Executive Policy Committee and approved a rezoning under file DAZ 200/2020.

Council's approval of File No. DAZ 200/2020 included a requirement that the Developer enter into a Servicing Agreement to construct a sidewalk on the south side of Pacific Avenue between McPhillips Avenue and the proposed private approach, and other ancillary clauses as deemed necessary by the Director of Public Works.

After further discussion with the Developer, Public Works has subsequently determined that the proposed sidewalk is not required in Pacific Avenue, as the building use is not changing as a result of the rezoning application.

The Developer has submitted a request to amend the Council conditions under file DAZ 200/2020 to eliminate the requirement to construct a sidewalk on Pacific Avenue, and other ancillary clauses as deemed necessary; the Public Service supports this request.

RECOMMENDATIONS

1. Delete Recommendation 1 of the Administrative Report in its entirety and replace with the following:

   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

2. Delete Recommendation 5 in its entirety, namely:

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.

3. Delete Recommendation 6 in its entirety, namely:

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.

4. Add the following new Recommendation and renumber accordingly:

That the Developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 11, 2020.

5. Delete Clauses 1), 2), 3) and 4) under Section II – Servicing Conditions of Schedule B – Report of the Administrative Coordinating Group, namely:

1) <u>Sidewalks</u>

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) <u>Boulevards</u>

(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) <u>Construction Traffic</u>

(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.

6. 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

Council approval is required to amend conditions imposed on a subdivision and rezoning application.

IMPLICATIONS OF THE RECOMMENDATIONS

If the Recommendation(s) are concurred in, the Developer will no longer be required to enter into a servicing agreement with the City to construct a sidewalk on the south side of Pacific Avenue, and all ancillary clauses as deemed necessary.

HISTORY/DISCUSSION

On September 30, 2020 Council concurred in the recommendation of the Executive Policy Committee and approved a rezoning under file DAZ 200/2020.

Council's approval of File No. DAZ 200/2020 included a requirement that the Developer enter into a Servicing Agreement to construct a sidewalk on the south side of Pacific Avenue between McPhillips Avenue and the proposed private approach, and other ancillary clauses as deemed necessary by the Director of Public Works.

Subsequent to Council's approval, Public Works has had additional discussions with the Developer with respect to the installation of a sidewalk. The Developer has confirmed that the building tenant fronting Pacific Avenue (Winnipeg Fire Paramedic Service) has not changed and they do not want to encourage pedestrian traffic in the vicinity of their overhead doors. Further, there are utility poles in the boulevard that would need to be relocated to accommodate the proposed sidewalk.

The Developer has submitted a request to amend the Council conditions under file DAZ 200/2020 to eliminate the requirement to construct a sidewalk on Pacific Avenue, and other ancillary clauses as deemed necessary; the Public Service supports this request.

FINANCIAL IMPACT

N/A

CONSULTATION

This Report has been prepared in consultation with:

Public Works Department.

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: D. Trenchard
Date: 2021-12-24
File No: DAZ 200/2020

Attachments: Appendix A – Request from Developer

APPENDIX A – LETTER REQUEST

WBC W B CONSULTING INC.
REAL ESTATE CONSULTING

City of Winnipeg
Planning, Property and Development
Land Development Branch
65 Garry Street, Winnipeg MB.

Attn: **Greg Jasper,** Land Development Administrator

Dear Sir;

Re: LETTER OF INTENT
225/235 McPHILLIPS STREET & 1030 PACIFIC AVENUE

At City Council's meeting held on November 26, 2020, By-law No. 105/2020 was passed. This By-law requires MBT One 909 Inc., Owner of 225/235 McPHILLIPS STREET & 1030 PACIFIC AVENUE, to undertake certain work as described in Schedule "B", Section II – Servicing Conditions of the Administration's Report attached to the Council directive.

In subsequent discussions with the city administration, the Owner expressed its desire to have the requirement for a Servicing Agreement removed from the Council directive. Specifically, the Owner feels that the requirement to construct a sidewalk on the north side of the subject property, parallel to Pacific Avenue, be deleted for the following reasons:

1. A sidewalk along the north side of the Subject Property would not connect to any other property east of the Subject Property as no there is no existing sidewalk beyond the Subject Property.
2. The path of a sidewalk in this area would be interrupted by the Subject Property's main electrical transformer.
3. More importantly, the Owner's long-term tenant (Winnipeg Fire Paramedic Service) does not want pedestrian traffic in close proximity to their main overhead door entrance. The WFPS use this space for cleaning and restocking of ambulances on a 24/7 basis. There are numerous vehicles accessing and departing these premises during the day.
4. On September 29,2021 Council concurred in the SPCPD recommendation to declare the Ross Avenue right-of-way surplus to the City's needs and enter into an agreement of Purchase and Sale with the Owner. As this property is immediately adjoining the Subject Property, we believe that one agreement be entered into that encompasses the entire property, including 225/235 McPHILLIPS STREET & 1030 PACIFIC AVENUE and ROSS AVENUE (east of McPhillips Street).

The Owner is respectfully requesting that Council's Directive be amended by deleting the requirement for a Servicing Agreement as referenced in its November 26, 2020 Order.

Yours truly,

Wayne Bollman