**Minute No. 240**
**Report – Standing Policy Committee on Property and Development – February 2, 2023**

**Item No. 9 Rezoning – 1301 Kenaston Boulevard**
**(Charleswood-Tuxedo-Westwood Ward)**
**File DAZ 210/2022**

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2022 by rezoning the subject land to an "MMU" Manufacturing Mixed Use District, as shown on the map dated November 13, 2022 and included within Schedule "A" and the proposed By-law attached as Appendix "B", subject to the following conditions:

    A. That the Developer of the subject land enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter, prior to registration of the Closing Plan, in accordance with the following:

        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. fencing
            f. landscaping
            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia Community Committee 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.

**Report – Standing Policy Committee on Property and Development – February 2, 2023**

COUNCIL DECISION (continued):

B. That the Developer 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 November 8, 2022 and attached as Schedule "B" to this report, prior to the registration of the Closing Plan, with the following amendments:

i. In Section I – Engineering Studies, add the following new Condition:

"3) The Developer shall, at no expense to the City, submit to the Public Works Department, a Transportation Impact Study to review the impacts of the proposed development to the City's transportation network, to be approved by the Public Works Department prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office agreements, all as determined by and to the satisfaction of the Director of Public Works."

ii. In Section II – Servicing Conditions:

a. Delete Conditions 6) a) and 6) b) in their entirety.

b. Add the following new Condition:

"13) <u>Traffic Improvements and/or Modifications</u>

The Developer shall, at no expense to the City, construct the traffic improvements and/or modifications and/or pay their share of the improvements/modifications, as recommended by the approved Transportation Impact Study or the Public Works Department, all as determined by and to the satisfaction of the Director of Public Works."

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

i. a Zoning Agreement in accordance with Recommendation 1.A.; and

ii. a Servicing Agreement in accordance with Recommendation 1.B

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

**Report – Standing Policy Committee on Property and Development – February 2, 2023**

STANDING COMMITTEE RECOMMENDATION (continued):

D. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and 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 Development Application No. DAZ 210/2022, as determined by the City's Director of Planning, Property and Development.

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the Developer pays the amount required under recommendation 2 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the Developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

6. 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.

7. 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.

8. 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 – February 2, 2023**

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1.B., delete the period after the words "prior to the registration of the Closing Plan" and replace with the following:

  ", with the following amendments:

  i. In Section I – Engineering Studies, add the following new Condition:

  "3) The Developer shall, at no expense to the City, submit to the Public Works Department, a Transportation Impact Study to review the impacts of the proposed development to the City's transportation network, to be approved by the Public Works Department prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office agreements, all as determined by and to the satisfaction of the Director of Public Works."

**Report – Standing Policy Committee on Property and Development – February 2, 2023**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. In Section II – Servicing Conditions:

a. Delete Conditions 6) a) and 6) b) in their entirety.

b. Add the following new Condition:
"13) Traffic Improvements and/or Modifications

The Developer shall, at no expense to the City, construct the traffic improvements and/or modifications and/or pay their share of the improvements/modifications, as recommended by the approved Transportation Impact Study or the Public Works Department, all as determined by and to the satisfaction of the Director of Public Works."

and forwarded the matter to the Standing Policy Committee on Property and Development.

On January 4, 2023, the Assiniboia Community Committee adjourned the public hearing to its meeting on January 24, 2023 at 10:30 a.m. in the Council Building at 510 Main Street.

On November 21, 2022, the Assiniboia Community Committee adjourned the public hearing to its meeting on January 4, 2023 at 10:30 a.m. in the Council Building at 510 Main Street.

## PUBLIC HEARING SUMMARY

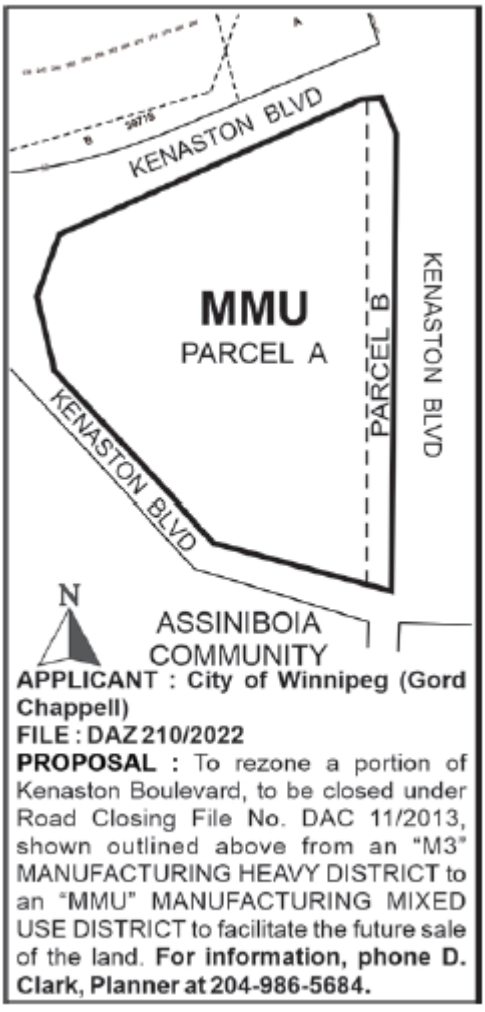
**File:** DAZ 210/2022

**Before:** Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Dobson
Councillor Duncan

**Public Hearing:** January 24, 2023
January 4, 2023
November 21, 2022
Council Building, 510 Main Street

**Applicant**: The City of Winnipeg
(Director of Planning, Property and Development)

**Subject**:



**For submission to:** The Standing Policy Committee on Property and Development

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

**Report date:** January 24, 2023

**Community Committee Recommendation:**

On January 24, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2022 by rezoning the subject land to an "MMU" Manufacturing Mixed Use District, as shown on the map dated November 13, 2022 and included within Schedule "A" and the proposed By-law attached as Appendix "B", subject to the following conditions:

    A. That the Developer of the subject land enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter, prior to registration of the Closing Plan, in accordance with the following:

        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. fencing
            f. landscaping
            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

    B. That the Developer 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 November 8, 2022 and attached

as Schedule "B" to this report, prior to the registration of the Closing Plan***, with the following amendments:***

***i. In Section I – Engineering Studies, add the following new Condition:***

***"3) The Developer shall, at no expense to the City, submit to the Public Works Department, a Transportation Impact Study to review the impacts of the proposed development to the City's transportation network, to be approved by the Public Works Department prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office agreements, all as determined by and to the satisfaction of the Director of Public Works."***

***ii. In Section II – Servicing Conditions:***

***a. Delete Conditions 6) a) and 6) b) in their entirety.***

***b. Add the following new Condition:***

***"13) <u>Traffic Improvements and/or Modifications</u>***

***The Developer shall, at no expense to the City, construct the traffic improvements and/or modifications and/or pay their share of the improvements/modifications, as recommended by the approved Transportation Impact Study or the Public Works Department, all as determined by and to the satisfaction of the Director of Public Works."***

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

i. a Zoning Agreement in accordance with recommendation 1.A.; and

ii. a Servicing Agreement in accordance with recommendation 1.B

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").

D. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and 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 Development Application No. DAZ 210/2022, as determined by the City's Director of Planning, Property and Development.
3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the Developer pays the amount required under recommendation 2 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the Developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

6. 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.

7. 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.

8. That the Proper Officers of the City be authorized 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. It's really important to have this comprehensive traffic study in place because of the tremendous volumes of traffic already existing on Kenaston. That's the reason for the amendment.

**Objections under the Charter:**

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated July 4, 2022
2. Notification of Public Hearing dated September 16, 2022
3. Manitoba Status of Titles 2692608/1, 2692607/1, 18223995/1
4. Certificate of Title 793754
5. Surveyor's Building Location Certificate and sketch dated April 10, 2015
6. Caveat 3941699
7. Council Minutes dated March 26, 2014
8. By-law No. 110/2015 dated October 28, 2015
9. Report from the Urban Planning Division dated November 10, 2022
10. Inspection Report
11. Notice of Adjournment dated December 21, 2022
12. Notice of Adjournment dated January 6, 2023
13. Recording of Representations of public hearing held on November 21, 2023
14. Recording of Representations of public hearing held on January 4, 2023
15. Recording of Representations of public hearing held on January 24, 2023

REPRESENTATIONS:

In Support:

Gordon Chappell

In Opposition:

Nil

For Information:

Matt Glavin

For the City:

G. Chappell, Real Estate Administrator, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "9" referred to in File DAZ 210/2022

# ADMINISTRATIVE REPORT

**Title:** DAZ 210/2022 – 1301 Kenaston Blvd.

**Issue:** For consideration at the public hearing for a rezoning to the MMU zoning district.

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| D. Clark, RPP, MCIP | n/a | n/a | |

## RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2022 by rezoning the subject land to an "MMU" Manufacturing Mixed Use District, as shown on the map dated November 13, 2022 and included within Schedule "A" and the proposed By-law attached as Appendix "B", subject to the following conditions:

    A. That the Developer of the subject land enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter, prior to registration of the Closing Plan, in accordance with the following:

        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) fencing;
            (f) landscaping; and
            (g) free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

B. That the Developer 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 November 8, 2022 and attached as Schedule "B" to this report, prior to the registration of the Closing Plan.

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

(i) a Zoning Agreement in accordance with recommendation 1.A.; and

(ii) a Servicing Agreement in accordance with recommendation 1.B.

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").

D. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and 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 Development Application No. DAZ 210/2022, as determined by the City's Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

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7. 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.

8. 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

- 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 Winnipeg Public Service are concurred in, the subject property will be rezoned to the "MMU" zoning district, consistent with the map provided in Schedule "A" of this report. The City will not be acting as the developer, and as a result the Zoning Agreement and Servicing Agreement conditions will be the responsibility of the developer.

## CONSULTATION

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

## OURWINNIPEG POLICY ALIGNMENT

OUR WINNIPEG

Key policies applicable to the proposed development include:

01-1 City Building

Major Redevelopment Sites

- *Areas that once thrived under particular land uses in the past may not be needed for those purposes today. Some of these underused sites have significant strategic value, since they can capitalize on existing infrastructure through intensification. These Major Redevelopment Sites are either located within or adjacent to existing communities, and this proximity makes them highly valuable. While in many cases, there are challenges to their redevelopment, such as the potential requirement for infrastructure upgrades, fractured land ownership and possible contamination, Major Redevelopment Sites present large-scale opportunities to enhance Winnipeg's urban fabric by repurposing obsolete land uses as new developments.*

- *Key Direction > Major Redevelopment Sites will provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Winnipeg Climate Action Plan and it was determined that the Climate Action Plan is not applicable to this specific report.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

## SUBMITTED BY

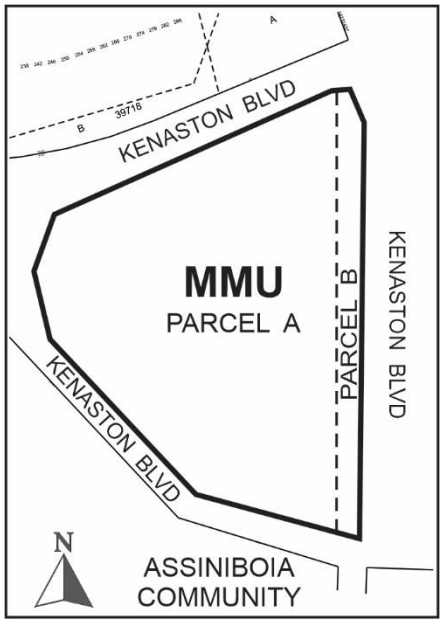
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by | D. Clark, RPP, MCIP |
| Date: | November 10, 2022 |
| File No. | DAZ 210/2022 |

**List of Schedules and Attachments**

- **Appendix "A," Planning Discussion.**
- **Appendix "B" Proposed By-law**
- **Schedule "A," of File** DAZ 210/2022**,** Assiniboia **Community Committee, dated November 10,** 2022**.**
- **Schedule "B," Report of the Administrative Co-ordinating group, dated November 8, 2022 Re: Proposed Rezoning of land located at 1301 Kenaston Blvd.**

**APPENDIX 'A'**

| | |
|---|---|
| **DATE:** | November 10, 2022 |
| **FILE:** | **DAZ 210/2022** |
| **RELATED FILES:** | |
| **COMMUNITY:** | Assiniboia Community |
| **NEIGHBOURHOOD #:** | 2.668 (Tuxedo Industrial) |
| **SUBJECT:** | For consideration at the public hearing for a rezoning to the MMU zoning district. |
| **LOCATION:** | 1301 Kenaston Blvd. |
| **LEGAL DESCRIPTION:** | To be determined when the closing plan under DAC 11/2013 (Misc Plan No. 14496/4) is registered at Property Registry/Land Titles) |




| | |
|---|---|
| **APPLICANT:** | City of Winnipeg (Gord Chappell)<br>2nd Floor – 65 Garry St.<br>Winnipeg, MB R3C 4K4 |
| **OWNER:** | **City of Winnipeg** |
| **RECOMMENDATION:** | Approval with Conditions |

## HISTORY

- Council declared the land surplus through the 2013 Budget, subject to Council approving the necessary street closing by-law.
- On March 26, 2014, Council approved amended DAC 11/2013 – the shape and size of the closing was revised to accommodate future infrastructure and access (as shown below).
- The Closing Plan has not been registered at the Winnipeg Land Titles Office and the land remains legally open right-of-way.

## DISCUSSION

### SITE DESCRIPTION

- The subject site is located on the west side of Kenaston Blvd. between the CNR Fort Whyte railway spur line to the south and 1301 Kenaston Blvd. to the north.
- The land is approximately 12.9 acres that lies within an open right-of-way and is currently in use as the Kenaston Snow Dump.
- The site is located within the Major Redevelopment Site Policy Area under *Complete Communities.*

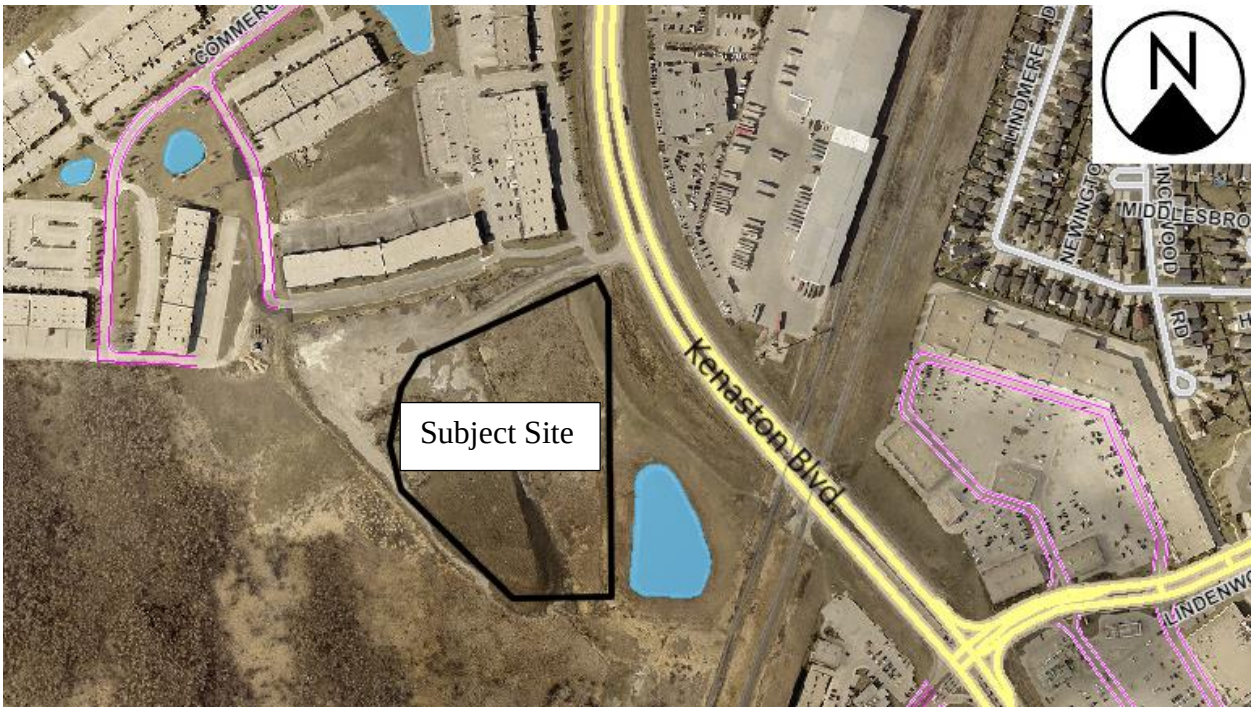



**Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)***

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Manufacturing uses zoned “MMU” Manufacturing Mixed Use

**South:** Manufacturing uses and vacant land zoned “M3” Manufacturing Heavy

**East:** Kenaston Blvd. then manufacturing uses zoned “M2” Manufacturing Medium and “M3” Manufacturing Heavy

**West:** Undeveloped land zoned “M3” Manufacturing Heavy

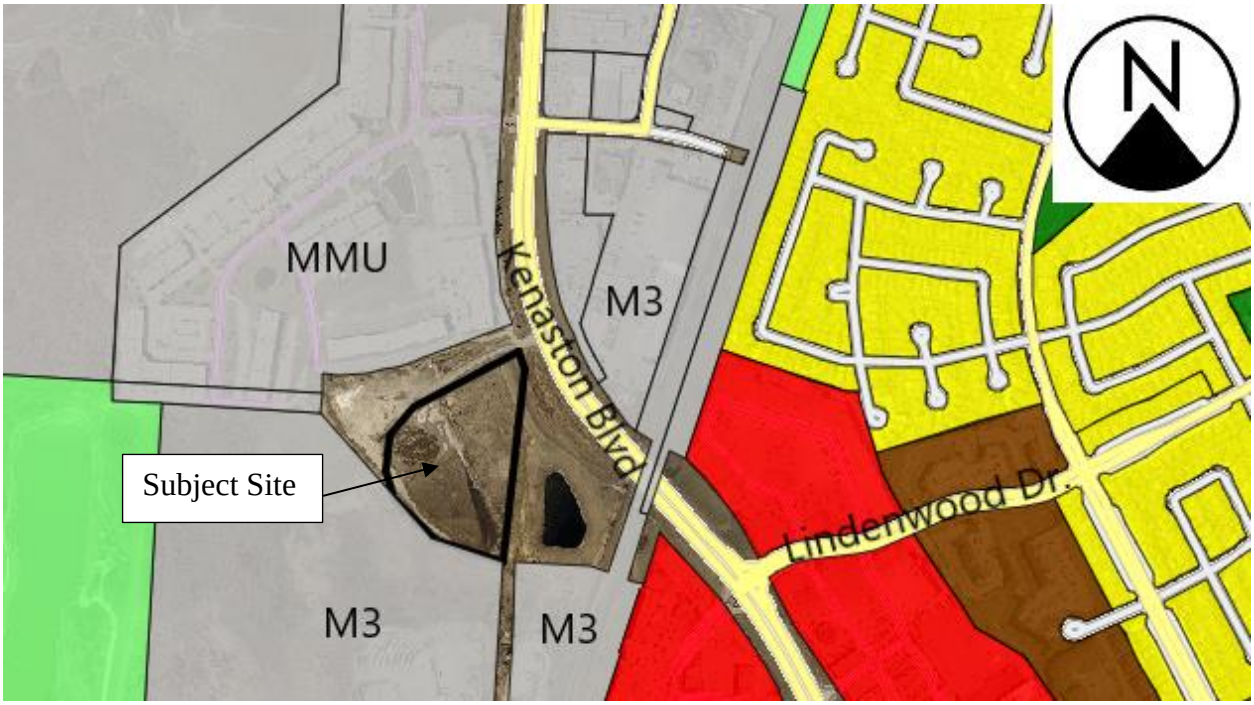



**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The site currently has no zoning designation as it forms part of an open right of way that has been deemed surplus by Council.
- When open right of ways are closed the land normally takes on the adjacent zoning districts to the midline of the property. As such, the land would become split zoned with half the site being “M3” and the other half “MMU”. To avoid split zoned land and an increase in the amount of “M3” zoned land, the proposal is to rezone the land in its entirety to “MMU”, which is consistent with the zoning of the land to the north.
- **The associated closing plan under DAC 11/2013 will be registered at the Property Registry/Land Titles Office once this rezoning application has been approved and completed.**
- **The rezoning is necessary due to the right-of-way closing, which Council directed the Public Service to undertake.**
- **There are no plans of development provided at this time.**

**ANALYSIS AND ISSUES**

OUR WINNIPEG

Key policies applicable to the proposed development include:

01-1 City Building

Major Redevelopment Sites

- *Areas that once thrived under particular land uses in the past may not be needed for those purposes today. Some of these underused sites have significant strategic value, since they can capitalize on existing infrastructure through intensification. These Major Redevelopment Sites are either located within or adjacent to existing communities, and this proximity makes them highly valuable. While in many cases, there are challenges to their redevelopment, such as the potential requirement for infrastructure upgrades, fractured land ownership and possible contamination, Major Redevelopment Sites present large-scale opportunities to enhance Winnipeg's urban fabric by repurposing obsolete land uses as new developments.*
- *Key Direction > Major Redevelopment Sites will provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*

COMPLETE COMMUNITIES DIRECTION STRATEGY

The subject lands fall within the area designated as a Major Redevelopment Site. There are eleven redevelopment sites located in the Urban Structure map. Each of these sites has its own unique context, including location, adjacent uses, opportunities and constraints. Therefore, the relevant policies with respect to this major redevelopment site includes the following:

- *Facilitate the redevelopment of major redevelopment sites by prioritizing infrastructure renewal. Working with other levels of government, investigate strategies to promote the redevelopment of brownfields.*
- *Provide a mix of employment, high-density housing, retail and service uses within Major Redevelopment Sites in a way that compliments the needs of adjacent communities.*
- *Support active uses (such as retail and services) on the ground floor and offices and housing on the upper floors of multi-storey developments.*
- *Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.*
- *Incorporate pedestrian elements like street trees, street furniture, wide sidewalks, bicycle parking and public art in new development.*
- *Encourage the transition of development towards the outer edges of major redevelopment sites that is sensitive to the scale, massing, height, form and character of the surrounding area.*
- *Mitigate any negative impacts new development may have on neighbouring streets, parks and properties.*

- *Development should be sensitive to conserving historically significant features and resources.*
- *Promote development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.*
- *Encourage green design and construction by incorporating environmentally friendly design and construction principles.*
- *Encourage the development of recreation and community service facilities in these areas in a manner that respects the desired form and character of Major Redevelopment Sites*

ZONING BY-LAW 200/2006

- The site currently has no zoning designation. Because the site is to be created out of an open right of way, that process normally takes on the adjacent zones to the south and north of the site. Therefore, to avoid the new parcel having two zones, the proposal is to rezone the land to MMU, which is consistent with the zoning of the land to the north.

- The Zoning By-law indicates the following with respect to determining zoning districts of formerly open right of ways:

  *Boundaries indicated as approximately following the centre lines of streets, public lanes, footpaths, public walks, rivers, and public rights-of-way are construed to follow such centre lines.*

  *If a street, public lane, footpath, or public walk shown on the Zoning Maps is lawfully closed, the land formerly comprising it shall be included within the zoning district within which it is located. If the centre line of said closed right-of-way was a zoning district boundary between two or more different zoning districts, the zoning district boundary shall continue to be the former centre line. Zoning Bylaw,* page 4

- The proposed zoning district is *"MMU" Manufacturing Mixed Use*
- The dimensional standards for the MMU zoning district are as follows:
  - Minimum lot area – N/A
  - Minimum lot width – N/A
  - Minimum front yard – 20 feet
  - Minimum rear yard – 0 feet
  - Minimum interior side yard – 15 feet
  - Minimum corner side yard – 20
  - Maximum building height – 85 feet
  - Maximum floor area ratio – 2.0

REZONING

The Urban Planning Division supports the rezoning of the southern half of the newly created parcel from the “M3” district to the “MMU” district for the following reasons:

- Split zoned land is difficult to administer. It is best practice for zoning boundaries to follow property lines.

- The MMU zoning district is consistent with the zoning of lands to the north. The “M3” zoning district is for heavy industrial and allows for a variety of potentially noxious uses.

CONDITIONS OF APPROVAL

- Plan approval is being recommended to give the Urban Planning and Design Division an opportunity to evaluate the future development details at a later date.
- Land Dedication can be required as a condition of rezoning or subdivision of a parcel of land, meaning a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes or cash-in-lieu of land. The amount of land is not less than 8 percent.
- With respect to this application, the Public Service is recommending the developer provide ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- The Administrative Coordinating Group recommends that a Servicing Agreement be entered into subject to a number of conditions. These recommended conditions can be found below under ‘Schedule B.’

**RECOMMENDATION**

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

- The proposed rezoning supports the consolidation of two previously unzoned parcels of land with one uniform zoning district rather than two separate zoning districts.
- The recommended Zoning Agreement condition of Plan Approval will allow for the Urban Planning and Design Division to review of future development details on the subject site prior to the issuance of building permits.

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

Report Prepared by: D. Clark, RPP, MCIP
PPD File #: DAZ 210/2022

**Schedule "A" for File DAZ 210/2022, Assiniboia Community Committee, dated November 10, 2022**

By-Law No. _____

File No. **DAZ 210/2022**

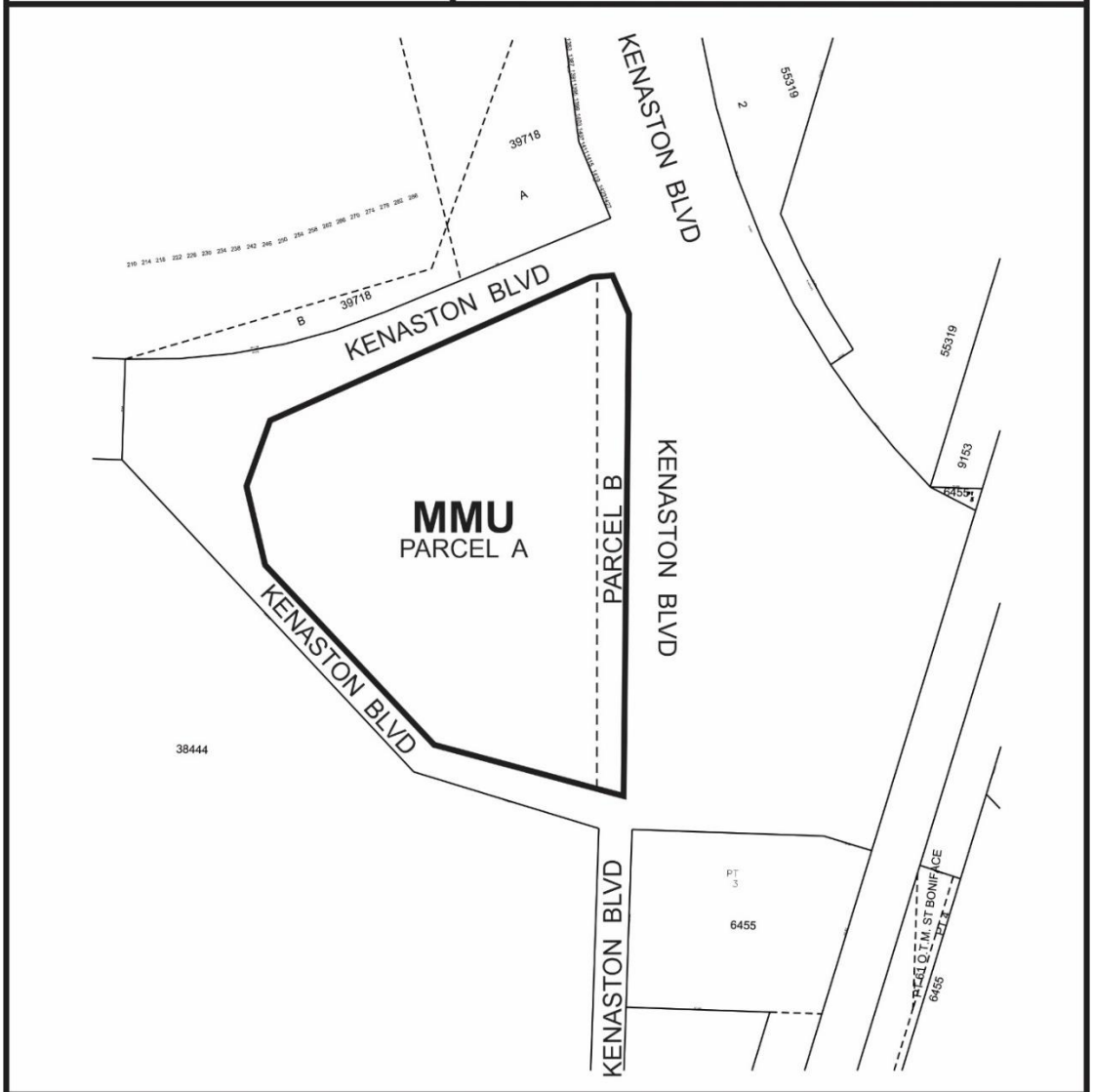
Atlas Sheet No. **AH19**

N

**ASSINIBOIA COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning a portion of Kenaston Boulevard, to be closed under Road Closing File No. DAC 11/2013, shown outlined above from an "M3" MANUFACTURING HEAVY DISTRICT to an "MMU" MANUFACTURING MIXED USE DISTRICT to facilitate the future sale of the land.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

**RE: PROPOSED REZONING OF A PORTION OF KENASTON BOULEVARD LOCATED SOUTH OF 1301 KENASTRON BOULEVARD (KENASTON SNOW DUMP)**

It is recommended that approval of DAZ 210/2022, if granted, be subject to the developer entering into a Servicing Agreement, containing the following conditions:

### Section I – Engineering Studies

1) The Developer shall provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the wastewater sewer and/or land drainage sewer upgrades required to adequately service the proposed development and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

2) The Developer shall, at no expense to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs, all to the satisfaction of the Director of Public Works.

### Section II - Servicing Conditions

1) Water Mains

The Developer shall, at no expense to the City, construct and install all water mains 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.

2) Wastewater Sewers

The Developer shall, at no expense to the City, construct and install all wastewater sewers 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.

3) Land Drainage Sewers

a) The Developer shall, at no expense to the City, construct and install all land drainage sewers 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.

4) Regional Land Drainage System

The Developer shall pay to the City, in cash, prior to the release of agreements for registration in the Winnipeg Land Titles Office, their share of the cost of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

5) East-West Public Right-of-Way

The Developer shall, at no expense to the City, construct within the east-west public right-of-way abutting the north limit of the Planned Area or as determined by Public Works, Portland cement concrete at a width and thickness as determined by Public Works, and all related works, including but not limited to removal of existing infrastructure, ornamental street lighting, boulevard landscaping, land drainage sewer, sidewalk and/or pathway on both sides, a cul-de-sac at the west limit, all as determined by and to the satisfaction of the Director of Public Works.

6) Kenaston Boulevard

a) The Developer shall, at no expense to the City, close the existing median opening and associated left turn lane, and all related works on Kenaston Boulevard serving the east-west right-of-way, when and as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, extend the existing northbound left turn lane on Kenaston Boulevard at the private road opposite Rothwell Road to accommodate existing and new development traffic, and all related works, all when and as determined by and to the satisfaction of the Director of Public Works.

c) There shall be no private approaches to Kenaston Boulevard.

7) Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees on all boulevards fronting on 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 to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

8) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

b) The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake 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.

9) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

10) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, 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.

11) 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.

12) 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 Winnipeg Land Titles Office.

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. DAZ 210/2022
November 8, 2022

"*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