Agenda – Council – April 25, 2024

Report – Executive Policy Committee – April 16, 2024

Item No. 9 Subdivision and Rezoning – 1065 and 1069 Notre Dame Avenue and 1090 Winnipeg Avenue (Point Douglas Ward) File DASZ 2/2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2024, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the subdivision proposed under Development Application No. DASZ 2/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 21, 2024 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C2" Commercial Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 21, 2024, and attached as Schedule "B" 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:

            a. buildings
            b. accessory parking areas
            c. private approaches
            d. garbage enclosures
            e. fencing
            f. landscaping and
            g. free-standing signage

Report – Executive Policy Committee – April 16, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.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 Director of Planning, Property and Development (the "Director") 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.

3. 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. DASZ 2/2024 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

4. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

Report – Executive Policy Committee – April 16, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

6. That Development Application No. DASZ 2/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. 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.

9. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

10. That Development Application No. DASZ 2/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

Report – Executive Policy Committee – April 16, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2024, 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 April 4, 2024, 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: DASZ 2/2024

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

Public Hearing: April 4, 2024
Council Building, 510 Main Street

Applicant: K3 Design Inc. (Selina Bieber)

Subject:



Premises Affected: 1065 and 1069 Notre Dame Avenue and 1090 Winnipeg Avenue

For submission to: Executive Policy Committee

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

Report date: April 5, 2024

Community Committee Recommendation:

On April 4, 2024, 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 subdivision proposed under Development Application No. DASZ 2/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 21, 2024 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C2" Commercial Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 21, 2024, and attached as Schedule "B" 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:

            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 for approval by the Director of Planning, Property and Development ("Director") prior to the issuance of a building or development permit for a new or expanded principal building, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.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 Director of Planning, Property and Development (the “Director”) 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.

3. 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. DASZ 2/2024 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.

4. 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 (the “By-law”) and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

6. That Development Application No. DASZ 2/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the “Fees”) within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. 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.

9. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

10. That Development Application No. DASZ 2/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

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

1. I concur with the recommendations and analysis by the planning department.

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 January 9, 2024
2. Notification of Public Hearing dated February 14, 2024
3. Manitoba Status of Title(s) 1587756/1 and 2868968/1
4. Letter of authorization dated November 3, 2024 from Sikander Pandher to Selina Bieber
5. Letter of Intent undated from Sikander Pandher, Manufacturers Carpet and Vinyl Outlet Ltd. to the City of Winnipeg, Zoning and Permits Branch
6. Drawing of proposed existing properties to be amalgamated into a single lot: 1065 Notre Dame Avenue, 1069 Notre Dame Avenue and 1090 Winnipeg Avenue
7. Existing Floor Plan
8. Report from the Urban Planning Division dated March 21, 2024
9. Inspection Report
10. Recording of Representations of public hearing held on April 4, 2024

REPRESENTATIONS:

In Support:

Selina Bieber

In Opposition:

Nil

For Information:

Nil

For the City:

S. Jerez, Planner, Planning, Property and Development Department
C. Ho, Planner, Planning, Property and Development Department

Exhibit “8” referred to in File DASZ 2/2024

ADMINISTRATIVE REPORT

Title: DASZ 2/2024 – 1065 & 1069 Notre Dame AVE and 1090 Winnipeg AVE

Issue: For consideration at the Public Hearing to consolidate and rezone from an “M2” Manufacturing General District to a “C2” Commercial Community District to maintain an existing Retail Sales use on the property.

Critical Path: Lord Selkirk - West Kildonan 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
S. Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 2/2024 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix “A” to this report and as shown on the map dated March 21, 2024 and attached as Schedule “B” to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.
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    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:

            (a) buildings;

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            (c) private approaches;

            (d) garbage enclosures;

            (e) fencing;

(f) landscaping; and

(g) free-standing signage

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

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10. That Development Application No. DASZ 2/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

11. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to consolidate three (3) properties into one (1) new lot and rezone the proposed lot to a "C2" Commercial – Community District. The intent is to maintain the existing Retail Sales use on the property.
- 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.

OURWINNIPEG 2045 POLICY ALIGNMENT

City Building Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals. Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods.

01-1a OurWinnipeg Approach to City Building: Promote compact urban form and manage the extension of municipal services for new growth. Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	S. Jerez, MCP
Date:	March 21, 2024
File No.	DASZ 2/2024

List of Schedules and Attachments

Schedule A	Planning Discussion.
Schedule B	Recommended File No. 2/2024**,** Lord Selkirk - West Kildonan Community Committee, dated March 21, 2024**.**
Appendix A	Proposed By-law

SCHEDULE 'A'

DATE: March 21, 2024
FILE: **DASZ 2/2024**
RELATED FILES:
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.121 (Pacific Industrial)

SUBJECT: To consolidate and rezone from an "M2" Manufacturing General District to a "C2" Commercial Community District to maintain an existing Retail Sales use on the property.

LOCATION: 1065 & 1069 Notre Dame AVE and 1090 Winnipeg AVE
LEGAL DESCRIPTION: SP LOTS 3, 8 AND 9 PLAN 32646 WLTO IN OTM LOT 5 PARISH OF ST JOHN



APPLICANT: Selina Bieber
845 Dakota Street, Unit 23
Winnipeg, Manitoba, R2M 5M3

OWNERS: Manufacturers Carpet & Vinyl Outlet Ltd.
1069 Notre Dame Avenue
Winnipeg, MB R3E 0N4

RECOMMENDATION: Approval with conditions.

HISTORY

DASZ 22/2018 & DAV 172732/2018D

- On January 22, 2019, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service to consolidate and rezone the subject land to a “C2 PDO-1 Airport Vicinity” Commercial Community District.
- The Committee also approved a related Variance for a temporary change of use a period not to exceed 5 years to allow for the establishment of a retail sales use.
- Council approval for DASZ 22/2018 has expired and the applicant is submitting a new application.

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the north side of Notre Dame Avenue and south side of Winnipeg Avenue between Myrtle Avenue and McPhillips Street, in the Pacific Industrial neighbourhood of the Point Douglas ward.
- The subject land consists of three (3) existing zoning lots with a total lot area of approximately 13,067 square feet in area and is currently occupied by a commercial building containing showrooms, retail space, a warehouse and associated office area.
- The property is in the Employment Lands policy area under the *Complete Communities Direction Strategy 2.0*, and zoned "C2" Commercial Community District and “M2” Manufacturing General District.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Winnipeg Avenue, then warehouse uses zoned “M2” Manufacturing General.

South: Notre Dame Avenue (arterial route).

East: Commercial uses zoned "C2" Commercial Community District.

West: A mix of commercial uses (restaurant, banquet hall, auto maintenance and surface parking lots) zoned "C2" Commercial Community District and “M2” Manufacturing General District.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate and rezone the subject site to allow the maintenance of the retail sales use. Both 1065 and 1069 Notre Dame Avenue are to remain a “C2” Commercial Community District. The north portion of the site, 1090 Winnipeg Avenue, is to be rezoned to a "C2” Commercial Community District.
- The consolidation is required as the building is currently constructed on all three lots, straddling property lines.
- The property contains a retail use, which is not permitted within an “M2” Zoning District, but is deemed a Permitted Use in the “C2” Zoning District.
- These properties were the subject of a similar subdivision and rezoning, under DASZ 22/2018, however the property owner did not complete the registration of the plan of subdivision and the zoning agreement, and By-law 69/2019 expired. In addition, a related Variance (DAV 18-172732/D) was approved to allow the Retail Use to remain within the “M2” Zoning District for a period not to exceed five (5) years. This Use Variance has since expired.
- The current application intends to bring the property into compliance with the Zoning By-law.
- There are no plans of development for this application, as the site and building will not change as a result of the proposed consolidation and rezoning.

COLLABORATION

The applicant has worked cooperatively with the Public Service to confirm support for the related Zoning Agreement Amendment.

ANALYSIS AND ISSUES

OURWINNIPEG 2045 AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (CCDS 2.0) is one of four direction strategies supporting *OurWinnipeg 2045*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The subject property is designated Employment Lands – General Industrial in the *Complete Communities Direction Strategy 2.0.* Relevant policies for General Industrial areas include:

  1.1 Ensure that General Industrial areas:

  a. *Provide for light and medium industrial development;*

  b. *Provide for limited employment-supportive commercial uses to serve the needs of employees within the employment area. These areas should be subordinate to the larger intent of General Industrial areas;*

  c. *Provide for quasi-industrial uses that are more commercial in nature but may not fit well within other commercial designations due to their needs for large sites. These uses include, but may not be limited to: purpose-built commercial recreation enterprises, places of assembly, car dealerships, and self-storage facilities; and*

  d. *Provide for limited Small Office uses.*

- In addition, *CCDS 2.0* identifies policies for quasi-industrial uses, also known as uses that are more commercial in nature that, due to larger land requirements, are drawn to Employment Lands as an economically viable means of supporting their operational requirements. Applicable policies for Quasi-Industrial uses are as follows:

  4.14 Manage quasi-industrial uses to mitigate land use incompatibility and to protect the City's supply of Employment Lands and industrial floor space for core industrial purposes, while also accommodating uses that have large land requirements and are not easily accommodated elsewhere.

  4.15 Discourage quasi-industrial uses in Core Industrial areas.

  4.16 Permit quasi-industrial uses in General Industrial and Business Park areas where it can be demonstrated that such uses cannot be accommodated elsewhere in the Urban Structure.

  4.16.1 Where appropriate, encourage the siting of quasi-industrial uses along arterial roads and where they can be used as buffers between traditional industrial and more sensitive land uses.

  4.17 Quasi-industrial uses in General Industrial, Core Industrial, and Business Park areas may be permitted where they are not purpose-built and can be accommodated as

tenants in industrial buildings as long as they do not preclude the building's potential future use for planned industrial activities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Commercial Community (C2) District

- The "C2" Commercial Community is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. "C2" districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- The dimensional standards in the "C2" zone are: a minimum front yard of 10 feet to open parking and no front yard to a building wall; a minimum rear yard of 25 feet; no side yard requirement and, a maximum building height of 49 feet.

SUBDIVISION AND REZONING ANALYSIS

- The applicant is proposing the subject subdivision and rezoning with the intent of establishing consistent "C2" zoning that would allow the existing business on-site to continue operations. The Urban Planning and Design Division is supportive of the proposed subdivision and rezoning.
- The subject proposal is generally consistent with the Complete Communities Direction Strategy 2.0 because:
    - It would allow the property to be used as a retail sales type use, which is a typical land use in the area in which the site is located;
    - No new buildings are proposed, thus the existing scale, character and built form of the site would not change; and,
    - The subject development is located on an existing arterial route (Notre Dame Avenue) with a mix of uses.
- Given that the proposal would allow for the maintenance of a commercial property that contributes to the mix of retail amenities in the area, the subject proposal would be compatible with the surrounding neighbourhood. In addition, there are numerous properties with "C2" zoning adjacent to the subject property.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning & Design Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a building or development permit for a new or expanded principal building on the site. The inclusion of this clause will allow the Public Service to review final plans for any future redevelopment on the land.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with OurWinnipeg 2045 and Complete Communities 2.0, and compatible with the surrounding area.

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

Report Prepared by: S. Jerez, MCP
PPD File #: DASZ 2/2024

Schedule "A" for File DASZ 2/2024
Lord Selkirk West Kildonan Community Committee, dated March 21, 2024

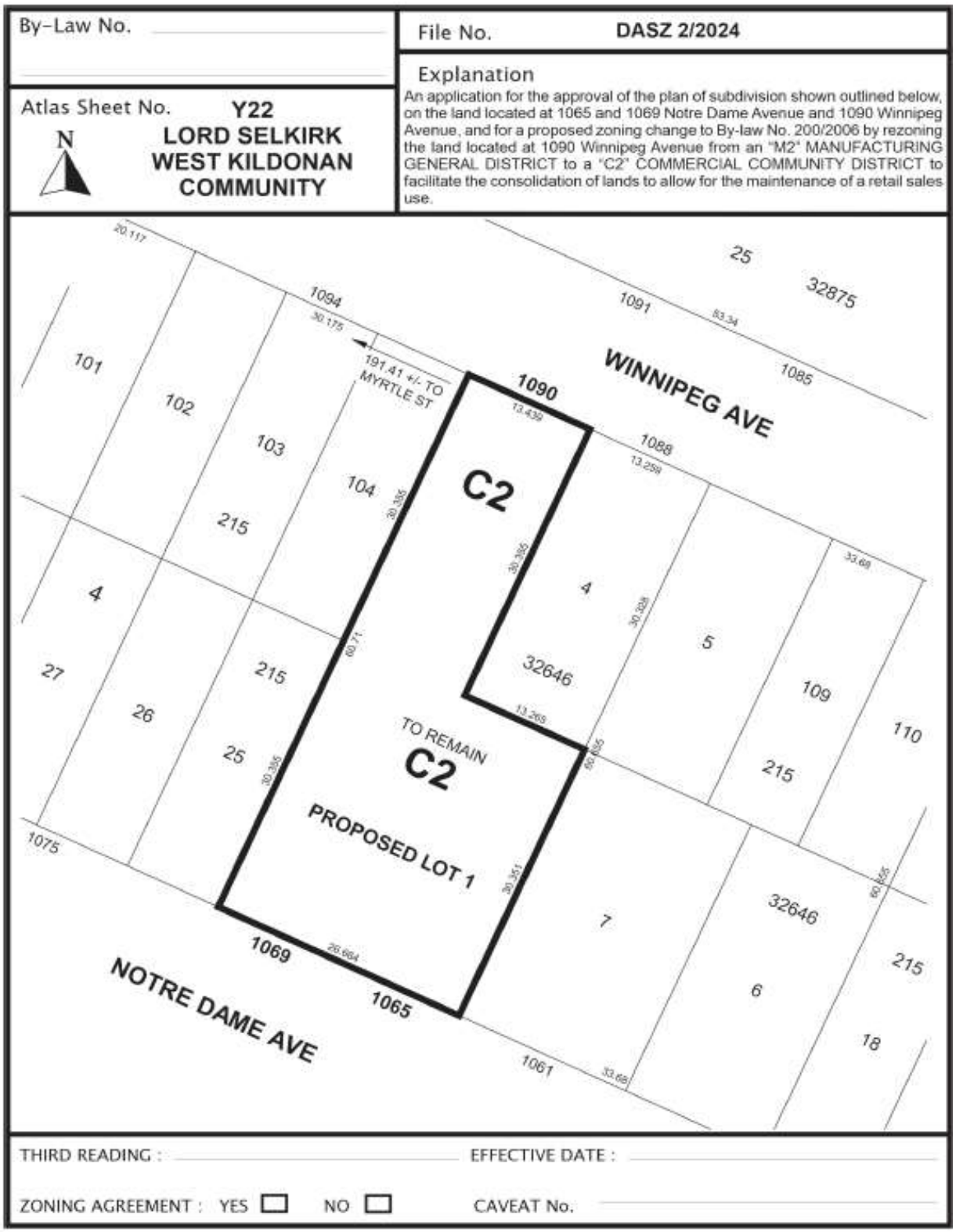


Exhibit “8” referred to in File DASZ 2/2024

