**Minute No. 92**
**Report – Standing Policy Committee on Property and Development – November 30, 2022**

**Item No. 15 Rezoning – 122 St. Anne's Road**
**(St. Vital Ward)**
**File DAZ 219/2022 [c/r DAV 177281/2022D]**

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 219/2022 by rezoning the subject land to a "CMU" Commercial Mixed-Use District as shown on the map dated October 25th, 2022 and included in Schedule "A" and the Proposed By-law attached as Appendix "B", subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

        i. That 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 Riel 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.

        ii. That, private vehicular approaches shall not be permitted on St. Anne's Road.

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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 14, 2022 and attached as Schedule "C" to this report.

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, the Servicing Agreement and 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 interest of the City.

2. *Deleted*

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 the Development Application, as determined by the City's 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 and bring same directly to Council for first reading at next available Council meeting.

5. 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 3 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

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COUNCIL DECISION (continued):

6. 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.

7. 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.

8. 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 7 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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