Agenda - Executive Policy Committee - June 22, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 9 Rezoning - 1455 Molson Street
File DAZ 206/2005

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2005 dated April 19, 2005, to a "CF" Commercial Fabrication District subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005.

   B. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

      i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and, thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. The following uses shall not be permitted on the land:

         a. amusement devices, accessory, limited to one (1) device per 500 (five hundred) square feet of floor area
         b. appliances, excluding major appliances: rental; sale; service
         c. appliances, including major appliances: rental; sale; service
         d. automobile, including motorcycle: repair; service; installation of supplies, parts
         e. automobile, including motorcycle: rental; sales; including accessory repair; service; installation of supplies/parts

f. automobile, including motorcycle supplies/parts: sales
g. automobile washing: drive-through or self-service
h. banquet hall; dance hall
i. beer: sales
j. bicycle: rental; sale;
k. billiard parlour
l. boat: sales;
m. book: sales
n. bowling alley
o. building materials; hardware; home improvement supplies or equipment: sales
p. bus station
q. clothing, including hats, shoes, other wearing apparel and accessories: alteration; repair; sales
r. cocktail lounge
s. communication equipment, including satellite dishes and radio towers: rental; sale;
t. crematorium
u. dating and escort service
v. drive-through facility, excluding a drive-through restaurant or automobile washing
w. fuel: sales kiosk
x. furnishings, household or office, including carpet and furniture: rental; sales
y. gift store
z. grocery; confectionery; including baked goods, candy, meats, soft drinks, or other specialties: sales, including incidental food preparation
aa. liquor: sales
bb. luggage: rental; sale; service
cc. manufacturer's agent, including retail sales
dd. medical, dental, optical or other precision instruments; prosthetics: rental; sale;
ee. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental; sale;
ff. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental; sale;
gg. musical instruments: rental; sale;
hh. pet sales; pet supplies sales; pet grooming
ii. prefabricated buildings: display; sales

jj. prefabricated buildings: manufacture; storage
kk. restaurant
ll. restaurant, exceeding a floor area of 2,500 (two thousand five hundred) square feet
mm. restaurant, drive-in
nn. restaurant, drive-through
oo. sporting goods: rental; sale;
pp. stationery sales
qq. terminal for haulage; motor freight station, excluding an inter-modal terminal
rr. tire: sales; service
ss. towing service, excluding vehicle compound
tt. toy: sales
uu. truck, trailer, recreational vehicle, bus: rental; sale
vv. wholesale establishment, including offices and showrooms

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv. That a six (6) foot high fence be established along the entire length of the east, north and south property lines and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

Report - Standing Policy Committee on Property and Development - June 7, 2005

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda - Executive Policy Committee - June 22, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1455 Molson Street**
File DAZ 206/2005

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

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **May 18, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2005 dated April 19, 2005, to a "CF" Commercial Fabrication District, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005.

    B. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. The following uses shall not be permitted on the land:

            a. amusement devices, accessory, limited to one (1) device per 500 (five hundred) square feet of floor area
            b. appliances, excluding major appliances: rental; sale; service
            c. appliances, including major appliances: rental; sale; service

d. automobile, including motorcycle: repair; service; installation of supplies, parts
e. automobile, including motorcycle: rental; sales; including accessory repair; service; installation of supplies/parts
f. automobile, including motorcycle supplies/parts: sales
g. automobile washing: drive-through or self-service
h. banquet hall; dance hall
i. beer: sales
j. bicycle: rental; sale;
k. billiard parlour
l. boat: sales;
m. book: sales
n. bowling alley
o. building materials; hardware; home improvement supplies or equipment: sales
p. bus station
q. clothing, including hats, shoes, other wearing apparel and accessories: alteration; repair; sales
r. cocktail lounge
s. communication equipment, including satellite dishes and radio towers: rental; sale;
t. crematorium
u. dating and escort service
v. drive-through facility, excluding a drive-through restaurant or automobile washing
w. fuel: sales kiosk
x. furnishings, household or office, including carpet and furniture: rental; sales
y. gift store
z. grocery; confectionery; including baked goods, candy, meats, soft drinks, or other specialties: sales, including incidental food preparation
aa. liquor: sales
bb. luggage: rental; sale; service
cc. manufacturer's agent, including retail sales
dd. medical, dental, optical or other precision instruments; prosthetics: rental; sale;
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ff. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental; sale;
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rr. tire: sales; service
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vv. wholesale establishment, including offices and showrooms

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iv. That a six (6) foot high fence be established along the entire length of the east, north and south property lines; and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

PUBLIC HEARING SUMMARY

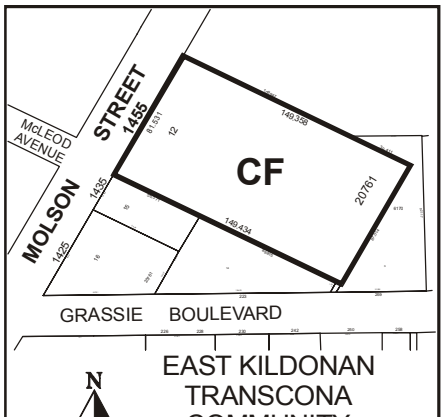
File: DAZ 206/2005

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Lubosch
Councillor Thomas

Public Hearing: May 10, 2005
Helen Mayba Theatre
Miles Macdonell Collegiate
757 Roch Street

Applicant: MCM Architects Inc. (Rob Obirek)

Subject:



APPLICANT : MCM ARCHITECTS INC.
FILE : DAZ 206/05
PROPOSAL : To rezone the land shown outlined above from a "PR1" PARKS AND RECREATION DISTRICT to a "CF" COMMERCIAL FABRICATION DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 1455 Molson Street

Exhibits Filed:
1. Application dated February 9, 2005
2. Notification of Public Hearing dated April 13, 2005
3. Manitoba Status of Title(s) 1459657
4. Surveyor's Building Location Certificate and sketch dated November 12, 2004

5. Letter of authorization dated November 16, 2004 from River East Transcona School Division to MCM Architects Inc.
6. Variance Order DAV 336314/2004C
7. Plans (1 page)
8. Report from the Manager of Planning and Land Use dated April 19, 2005
9. Report from the Administrative Coordinating Group dated April 18, 2005
10. Inspection Report

REPRESENTATIONS:

In Support:

Rob Obirek, MCM Architects Inc.

In Opposition:

Nil

For Information:

Kim and Larry Dyck

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Rob Obirek appeared in support of the application and indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated April 19, 2005, and the Administrative Coordinating Group Report dated April 18, 2005. He indicated that the subject property has for many years been utilized as a commercial fabrication site and not for parkland as it is currently zoned.

Kim Dyck appeared for information and questioned if additional buildings would be constructed on the subject property. John Wintrup responded by advising that the subject site currently has existing buildings on it and that the landowner proposes to expand a building and construct a

new building on the site. In this connection, he demonstrated with a plan of the site where Kim Dyck's residence is in proximity to the proposed construction of the property.

Councillor Thomas indicated that plan approval is an administrative condition of the subject application and that it will be submitted to the Community Committee for subsequent approval if the application proceeds.

Rob Obirek advised that he is prepared to work with neighbours to the subject property prior to submission of the plan approval to the community.

Exhibit "8" referred to in File DAZ 206/2005

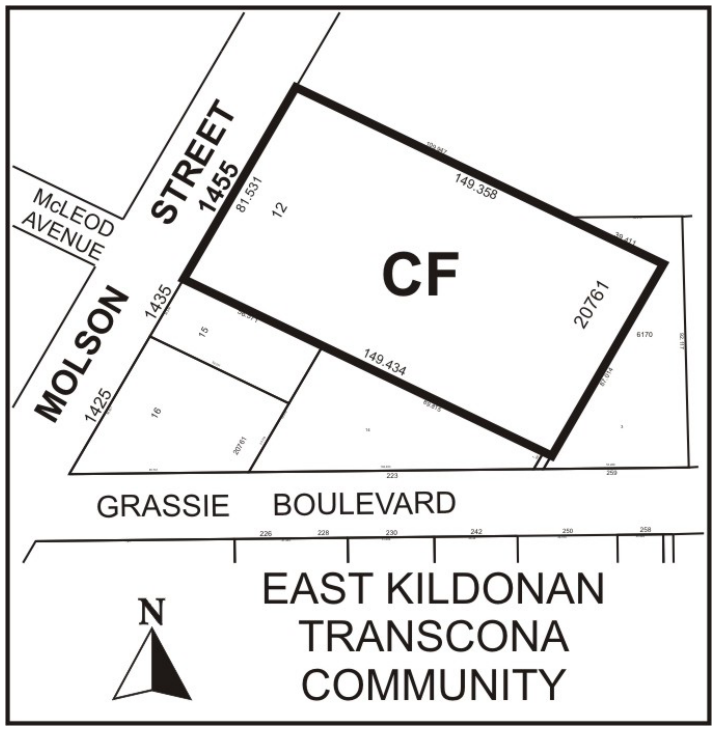
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 19, 2005**
File: **DAZ 206/05**
Related Files: **DAV 04-336314/C**
Subject: **Rezone the land to allow the expansion of an existing contractors establishment.**

Location: **1455 Molson Street**



Applicant: **MCM Architects Inc.**
Owner: **River East Transcona School Division**

Recommendation: **Approve with Conditions.**

5170

Report Summary:

- The new zoning district is required for the future expansion of the River East Transcona School Division's buildings at this location.
- These buildings are used by plumbers, carpenters, and other tradesmen, which is classified as **'Contractors Establishment'** under Zoning By-law 6400/94.
- This use is not permitted in the **"PR1" Parks and Recreation** zone for the subject property.
- The River East Transcona School Division has a non-conforming right to the existing buildings and land-uses, however, increasing the intensity of the land-use requires a rezoning.
- Full municipal services will be required to allow the rezoning.
- The **"CF" Commercial Fabrication District** is the most appropriate zone for the existing and proposed development.
- The Administration's only issue is the lack of screening for the parking area, storage compound and garbage container.

Site Description

The subject property is approximately **3 acres (12,156.207 square metres)** located on the east side of Molson Street, north of Grassie Blvd and west of Lagimodiere Blvd in the Eaglemere neighbourhood of the Elmwood – East Kildonan Ward.

The site is zoned **"PR1" Parks and Recreation District** and is occupied by the River East Transcona School Division's (RETSD) maintenance shops and related administrative offices.

Adjacent lands include single family dwellings to the south and east zoned "R1-5.5" and Schriemer's Greenhouses and Garden Centre to the north zoned "A-5". Surrounding uses include single and multiple family dwellings to the west and south. Directly north is the proposed Chief Pegius Trail's future connection to Lagimodiere Blvd.

Background

The new zoning district is required for the future expansion of the buildings at this location. The buildings have been around for many years and at one time housed a school. These buildings are now used for an administration office and as a shop for plumbers, carpenters, and other tradesmen, which is classified as **'Contractors Establishment'** under Zoning by-law 6400/94. This use is not permitted in the "PR1" Parks and Recreation zone for the subject property. The RETSD has a non-conforming right to the existing buildings and land-uses, however, increasing the intensity of the land-use requires a rezoning. In 2004, the applicant developed a gravel parking area for an additional 24 parking stalls, which required a variance (DAV 04-336314/C).

Description of the Proposed Development

The land owner intends to maintain the existing office and shop buildings, and proposes to expand the shop facility to increase the shop area by **2,500 square feet**. The land owner also would like to construct a new **10,000 square foot** building for the storage of tables, chairs, and document. The old school building along Molson Street will remain.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that an industrial rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet.
- The **"PR1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their typical neighbourhood location.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market.
- A **"CF" Commercial Fabrication District** is an Industrial zone that has 101 Permitted Uses and 21 Conditional Uses. 'Contractors Establishments' are a permitted use. Development Standards are required for the storage of outside materials and products.

LAND USE BYLAW ISSUES

The applicant originally requested a **"C2" Commercial District** to allow for the expansion of the contractors establishment. The Administration did not support this first proposal. This was viewed as a pre-mature rezoning of the land to commercial. This could possibly lead to more intensive commercial developments on the subject land and surrounding properties without the proper scrutiny and analysis associated with this type of rezoning.

The **"CF" Commercial Fabrication District** is more appropriate since it is intended to provide a transitional zone between an industrial area and a commercial or residential district, to accommodate existing industrial uses that have continued within the surroundings of a residential neighbourhood. Development Standards for the "CF" District under the by-law requires fencing and/or landscaping to screen outside storage of products on lots adjacent to a Residential District boundary. All production operations shall be conducted entirely within an enclosed building.

TRANSPORTATION AND SITE ACCESS

The existing approach on Molson Street will be maintained with no additional approaches. The subject property does have 10 feet of frontage on Grassie Blvd.

SERVICING

Plans submitted show an existing septic field. Information provided by the City of Winnipeg's Land Development Engineer indicate the site does not have full municipal services. Plan Winnipeg Policies require new developments to provide a full range of municipal infrastructure in an environmentally-sound, economical, and timely manner (Policies 3B-05 i.). The land owner will be required to enter into a **Servicing Agreement** outlining their financial contributions to receive full municipal services. The Servicing Agreement includes the following:

- The School Division shall construct, at no expense to the City, a watermain in Molson Street from Grassie Boulevard to the north limit of their property including a connection to the existing watermain in McLeod Avenue.
- The School Division shall be allowed to make a Special Connection to the existing wastewater sewer in McLeod Avenue.
- The School Division shall pay for its share of the cost of the existing land drainage sewer in Molson Street.

SITE DESIGN ISSUES

Plans submitted indicate a storage building will be constructed at the east end of the gravel parking area. The existing metal maintenance shop building will be expanded east. An existing storage compound on the south side of the shops building will remain. A garbage container will be placed on the south side of the subject property, adjacent to the single family dwellings to the south.

The Administration's only issue is the lack of screening for the garbage container, the parking area and the outside storage compound from Grassie Blvd (**Figure 4**). The Administration is recommending that landscaping such as a row of coniferous trees be planted every 10 feet along the south property line to screen the proposed development. Alternatively, the existing chain link fence be removed and a 6 feet high wood barrier fence can be erected to enhance the screening of the unsightly land-uses.

Recommendation

The Administration recommends approval of the application. The existing use has been a fixture in the neighbourhood for many years and provides a buffer between the residential dwellings and the major traffic arteries.

The Administration is also recommending that the proposed **"CF" Commercial Fabrication District** be approved subject to a number of conditions that will ensure any future development is compatible with the adjacent residential neighbourhood. The conditions required to mitigate any negative impacts are:

- site plan approval for landscaping, fencing, buildings, and signage;

- list of prohibited uses especially those that are related to retail sales and generate significant negative sounds, sights, and smells;
- no mobile signs;
- chain link fencing required against the adjacent properties;

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 206/05, dated April 19, 2005, to a "CF" Commercial Fabrication District, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005;

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iv. That a six (6) foot high fence be established along the entire length of the east, north and south property lines; and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

2. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: John S. Wintrup
PPD File # .423

Schedule "A"

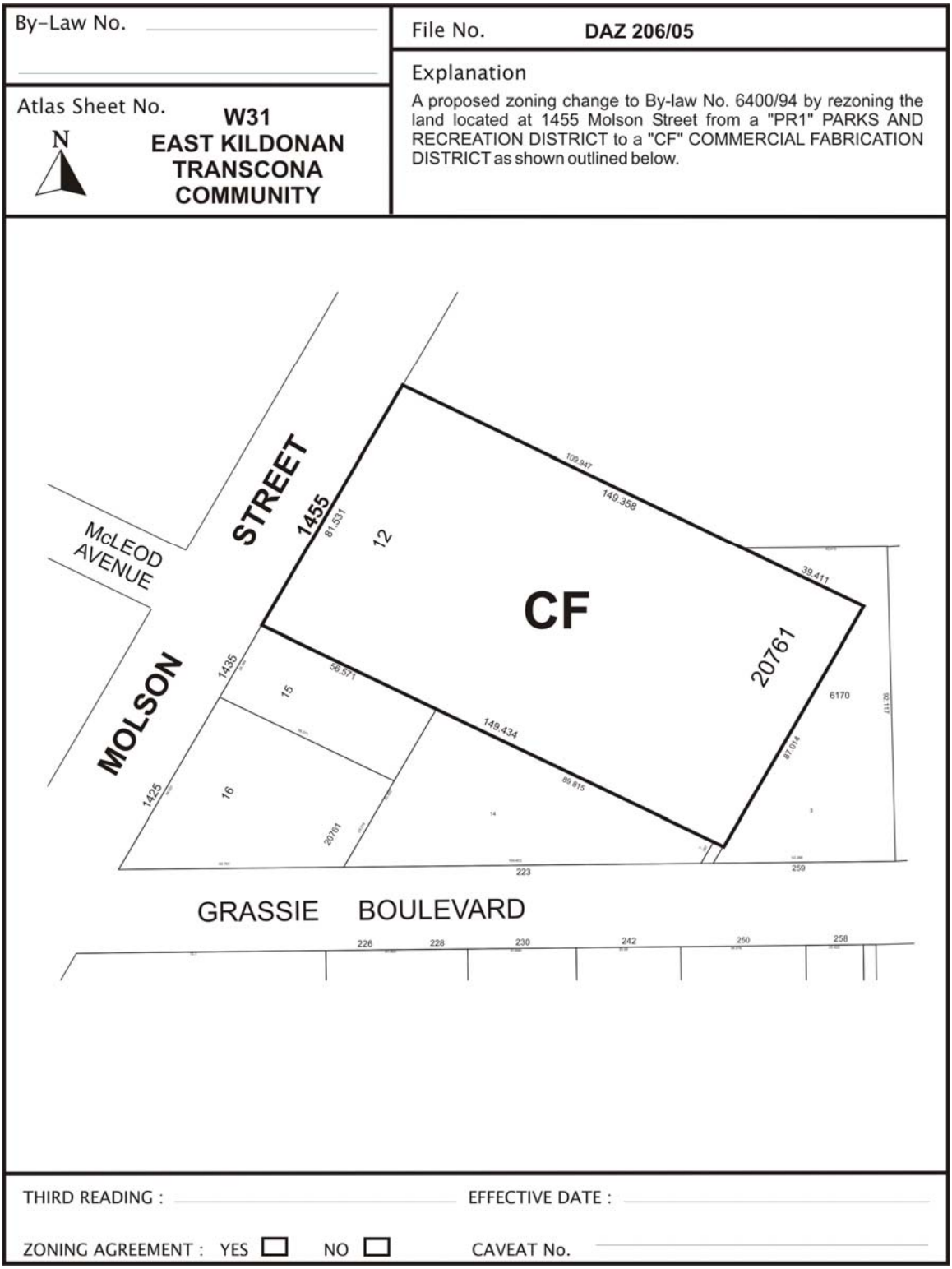


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 206/05, dated April 19, 2005.

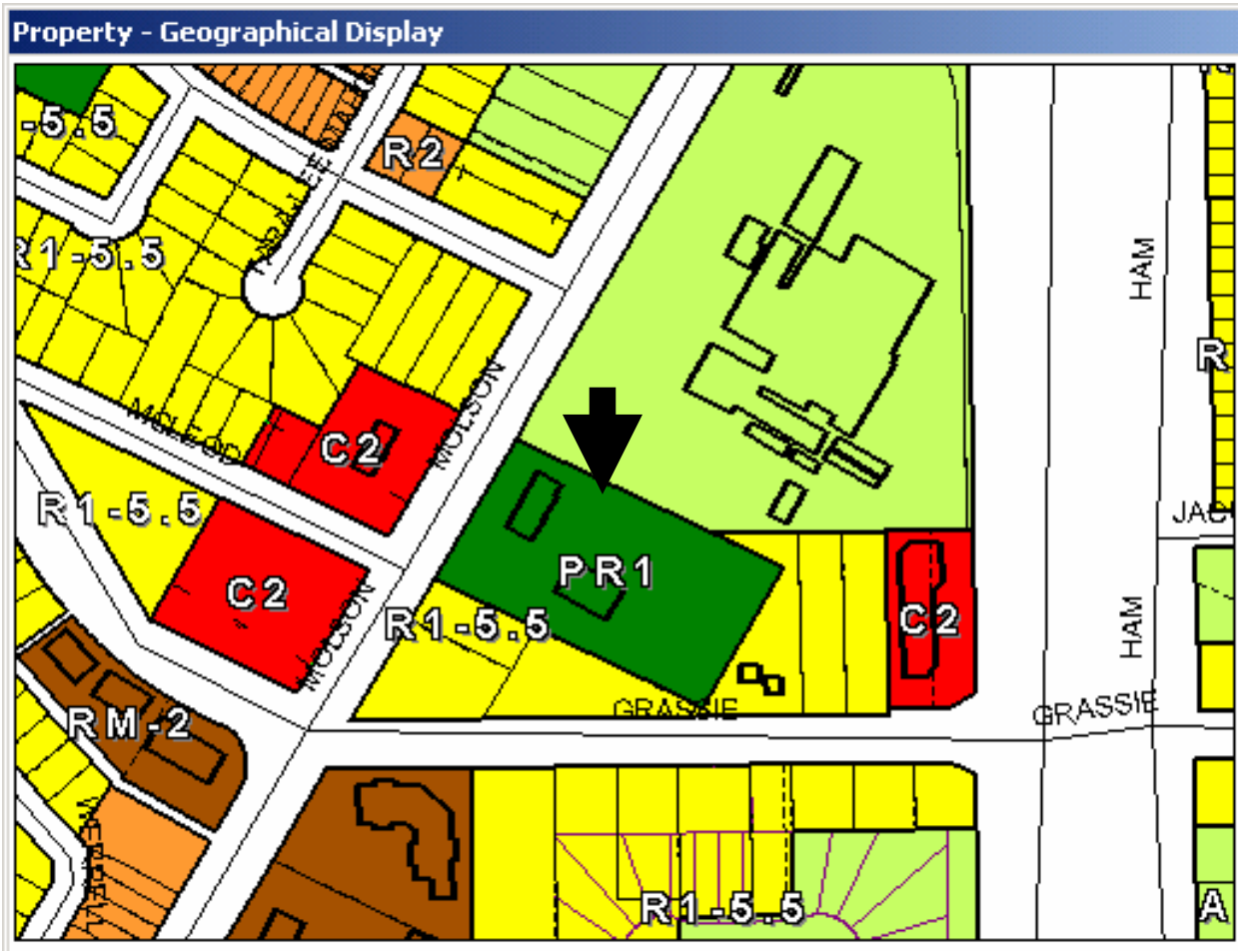


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.



Figure 4: Looking northwest from Grassie Blvd to the subject property.

Exhibit "9" referred to in File DAZ 206/2005

Re: Proposed rezoning of land located at 1455 Molson Street – DAZ 206/05

An application has been submitted by MCM Architects Inc. on behalf of the River East Transcona School Division to rezone land located at 1455 Molson Street.

It is recommended that approval of this application be subject to the River East Transcona School Division entering into a Servicing Agreement with the City as follows:

1. The School Division shall construct, at no expense to the City, a watermain in Molson Street from Grassie Boulevard to the north limit of their property including a connection to the existing watermain in McLeod Avenue.
2. In accordance with the Sewer By-law, the School Division shall be allowed to make a Special Connection to the existing wastewater sewer in McLeod Avenue. The School Division shall pay the wastewater sewer local improvement levy ($38.00 per foot) for its frontage on Molson Street.
3. The School Division shall pay for its share of the cost of the existing land drainage sewer in Molson Street ($18.00 per foot), and for its share of the cost of the regional land drainage system (2005 Rate = $8,869.00/acre).
4. The School Division shall pay to the City, in cash, on demand its share of the cost of the following services to be installed, in the future by the City, in Molson Street along the full length of the subject property abutting Molson Street:
   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
   b) street lighting in the east boulevard;
   c) landscaping in the east boulevard;
   d) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;

   all as determined by the Director of Public Works.
   (The 2005 rates for a) to d) total $289.90/foot.)

5. The School Division shall pay $1,650.00 to defray the City administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 206/05
April 18, 2005

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division