Agenda - Council - September 27, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 12 Subdivision and Rezoning - south side of Cole Avenue, west of Grey Street
File DASZ 33/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 33/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2006 dated August 14, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33/2006 dated August 14, 2006 to a **"**C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. 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;

   B. That prior to the issuance of any occupancy permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

Report - Standing Policy Committee on Property and Development - September 19, 2006

4. 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.

5. 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 increased value of the land.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution upon the registration of the Plan in the Winnipeg Land Titles.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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.

Report - Standing Policy Committee on Property and Development - September 19, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, 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 September 12, 2006, 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: **Subdivision and Rezoning - south side of Cole Avenue, west of Grey Street**
File DASZ 33/2006 [c/r DAV 144716/2006D]

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

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

Report date: **September 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2006, 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 plan of subdivision proposed under File DASZ 33/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2006 dated August 14, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33/2006 dated August 14, 2006 to a **"**C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. 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;

    B. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

4. 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.

5. 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 value of the land.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution upon the registration of the Plan in the Winnipeg Land Titles.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. It is essential that the subject application be established close to an industrial environment due to the nature of training provided at the school.

PUBLIC HEARING SUMMARY

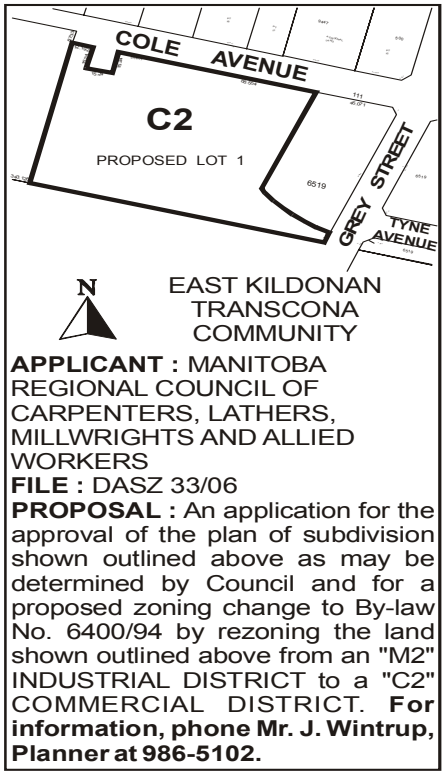
File: DASZ 33/2006 [c/r DAV 144716/2006D]

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

Public Hearing: September 12, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Manitoba Regional Council of Carpenters, Lathers, Millwrights and Allied Workers
(Jason Rowe, President, UBC 343 Building Corporation)

Subject:



Premises Affected: south side of Cole Avenue, west of Grey Street

Exhibits Filed:

1. Application dated August 2, 2006
2. Notification of Public Hearing dated August 10, 2006
3. Manitoba Status of Titles 2149708 and 2149714
4. Surveyor's Building Location Certificate and sketch
5. Plans (6 pages)
6. Report from the Planning and Land Use Division dated August 14, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Wayne McLennan

In Opposition

Linton Mounk
Sean Worden

For Information:

John Motkaluk
Elaine Smith

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Wayne McLennan appeared in support of the application and advised that the application is to rezone the land in order to establish a trade school centre.

Linton Mounk registered in opposition to the application and clarified that he had registered to acquire information on how the subject application might impact the existing businesses in the area. He advised that he is associated with a nearby business that operates extended hours and

stated that the area has been industrial for a long time and generates significant truck traffic. He expressed concern that the applicant or anyone residing in the proposed dormitory may be unaware of the noise that occurs in the area, and in this connection, expressed concern regarding the proposed zoning change to commercial and its affect on the neighbouring industrial area.

In response, Wayne McLennan indicated that it was a conscious choice to establish a trade school residence at the subject location because it is situated in an industrial area that would include significant truck traffic, and its associated noise would be relevant to the trades and activities involved with the school.

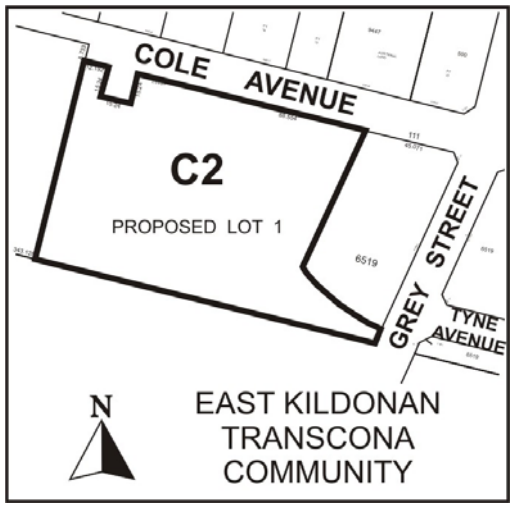
Exhibit "6" referred to in File DASZ 33/2006 [c/r DAV 144716/2006D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **August 14, 2006**
File: **DASZ 33/06**
Related Files: **DAV 06-144716/D**
Subject: **Rezone and subdivide property for a commercial use.**
Location: **Cole Avenue and Gray Street**



Applicant: Manitoba Regional Council of Carpenters, Lathers, Millwrights, and Allied Workers (Jason Rowe)

Owner: BUILDING PRODUCTS & CONCRETE SUPPLY LTD

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant has applied to rezone the land to construct a building for a trade school with accessory dormitories.
- The commercial zone is appropriate to allow this unique blend of uses: workshops, dorms, offices, and classrooms.

Site Description

The subject property is **2.56 acres** located on the south side of Cole Avenue, east of Grey Street in the Tyne – Tees neighbourhood of the Elmwood – East Kildonan Ward. The site is zoned "M2" Industrial District. Adjacent properties include a construction storage yard to the west and south zoned "M2". Surrounding lands to the north along Nairn Avenue include a mixture of commercial and industrial users zoned "M1".

Background

DAV 06-144716/D
The applicant has made application for a 'use' variance that will go before the East Kildonan – Transcona Community Committee with a positive recommendation. A rezoning to 'C2' Industrial is required to permanently permit this use on the subject lands.

Description of the Proposed Development

The applicant has applied to rezone the land to construct a building for a trade school with accessory dormitories. The dormitories will be constructed at a latter date.

Analysis

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

ZONING

- The **"M2" Industrial District** allows for some limited outside operations in addition to storage with 152 Permitted Uses and 38 Conditional Uses. The uses include Bank, Cocktail Lounge, Hotel, Gas Station, manufacturing and Restaurant. Office Use is permitted.
- The **"M1" Industrial District** allows for higher standard industrial operations with all operations contained in an enclosed building with 137 Permitted Uses and 28 Conditional Uses.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. There is no front yard requirement and the maximum building height is 45 feet.

LAND USE BYLAW ISSUES

Restrictions on variances

247(4) A variance must not be approved if it makes a change of land use other than

(a) a temporary change of land use for a period of not more than five years;

- The East Kildonan – Transcona Community Committee is restricted from extending a variance for use beyond 5 years.
- The applicant must make an application to rezone the property to "C2" Commercial District to permanently permit this use.
- The variance, if granted, will allow the applicant to begin construction of the building prior to a rezoning being approved by Council.
- The variance may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

TRANSPORTATION AND SITE ACCESS
Access to the lot will be from Cole Avenue.

SITE DESIGN ISSUES
The plans submitted indicate the building will be located on the northwest corner of the lot, approximately 500 feet from the Gray Street and Cole Avenue intersection. Parking will be on the west side of the building with 22 stalls. The building will be three stories in height with a 3,000 square foot fence compound on the south side. The entrance of the building will be on the north west corner and will be articulated with pre-finished metal. A small patio on the north side of the building will be screened with fencing and landscaping.

Recommendation

The Planning and Land-Use Division supports rezoning the property from industrial to commercial. The proposed use is unique in that it is trade school with equipment, a large workshop and dormitories. The trades and associated activities are associated with the industrial zone, however, the classrooms and dorms are found in a commercial zone. The commercial zone is appropriate to allow this unique blend of uses.

The Planning and Land-Use Division believes that future land-use designation along Nairn Avenue will be commercial as an increasingly number of commercial uses have been introduced into the area.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 33/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 33/06,** attached hereto and dated **August 14, 2006**, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. **DASZ 33/06** attached hereto and dated **August 14, 2006** to a **"C2" Commercial District** subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. 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;

   B. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

4. 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.

5. That a ten (10) percent 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 value of the land.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution upon the registration of the Plan in the Winnipeg Land Titles.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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**.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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 # DASZ 33/06

Schedule "A"

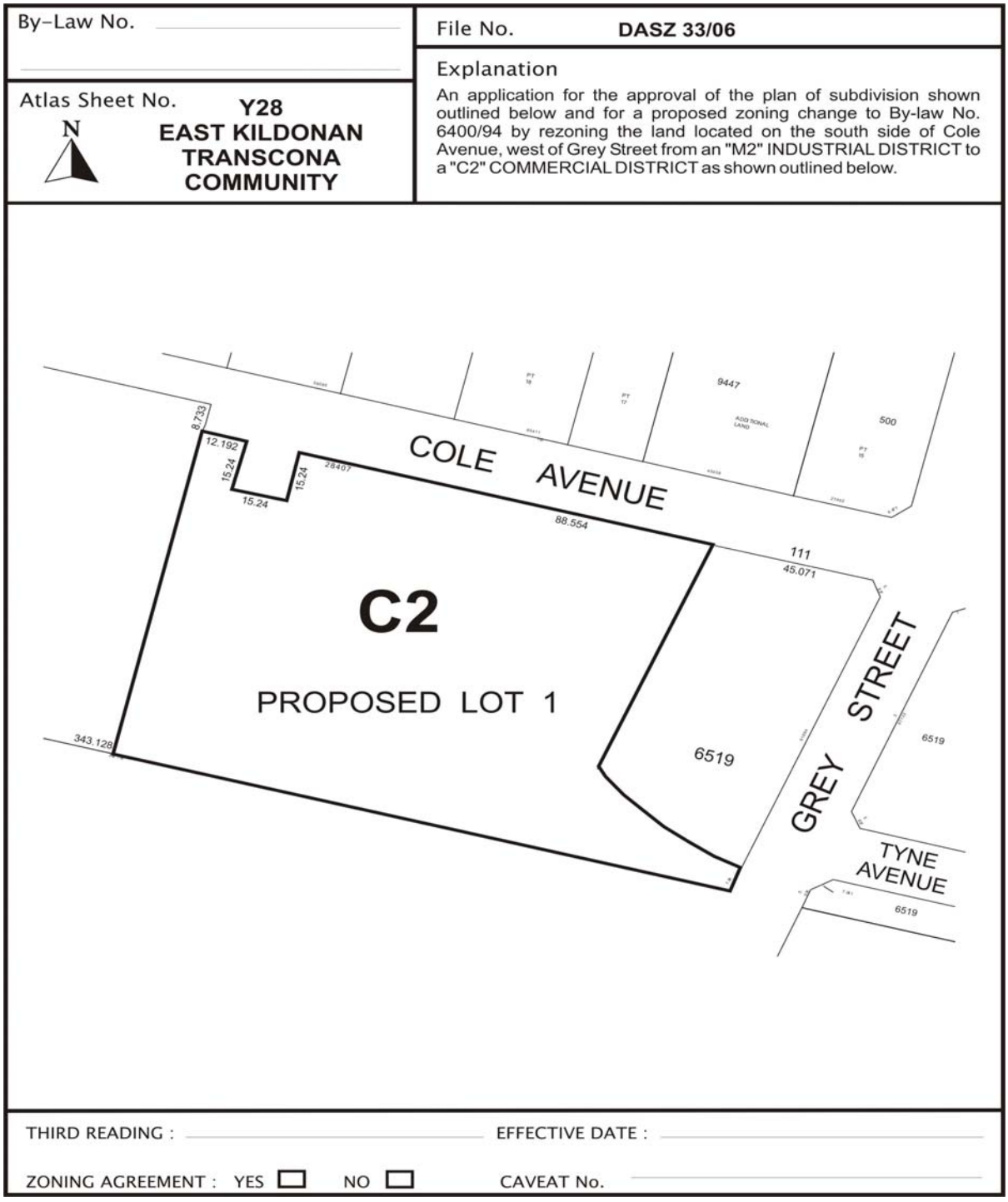


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 33/06, dated August 14, 2006.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

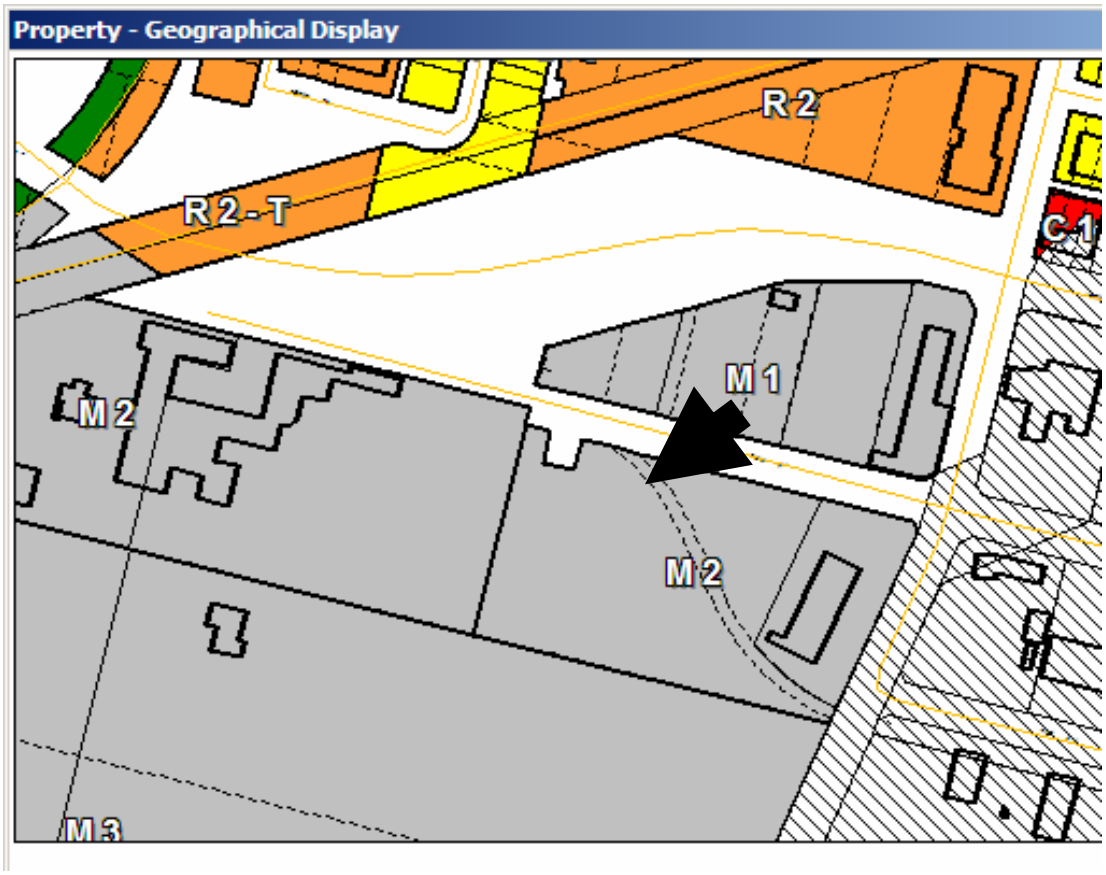


Figure 3: Existing Zoning for subject property and Surrounding Area.