Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Rezoning - 811 Panet Road -
East Kildonan-Transcona Community
File DAZ 202/2001

14. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pre-Con Builders (Rob Lee), 1540 Taylor Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from a "C3-1" Commercial District to an "M1-B" Industrial District to allow for the maintenance and expansion of a plastics manufacturing facility.

Site Area
The subject site is 4.1 acres (16,625.473 square metres).

Existing Land Use and Zoning
The subject site is currently a fuel kiosk, plastic manufacturing facility, and a storage compound for poly tanks, trucks and trailers, zoned "C3-1" Commercial District.

Surrounding Land Use and Zoning

North:	Church, zoned "C3-1" Commercial District
South:	Revy Home and Garden Centre, zoned "C3-1" Commercial District
East:	Lagimodiere Boulevard
West:	Across Panet Road, multi-tenant shopping centre, zoned "C2" Commercial District and row houses, zoned "RM-1" Residential District.

The applicant proposes to maintain a plastic manufacturing facility on the subject property in order to manufacture and store poly septic tanks.

The subject property is located with a Neighborhood Policy Area of Plan Winnipeg. The proposed continuation of the plastic manufacturing facility will generally comply with Plan Winnipeg by virtue of Policy 5A-12, which states that the City shall allow mixed uses in neighborhoods which may include (iii) light industrial development at industrial park standards to act as a buffer between residential development, major traffic arteries or railways, or other incompatible uses.

The septic tank manufacturing use and outside storage of tanks were originally established by Variance Order DAV 55/90 for a two-year period and to permit no more than thirty tanks to be stored outside on the site. The use was subsequently permitted to continue until April 8, 1998 through a temporary change of use (under Variance Order DAV 169/93C) that imposed a condition that the subject manufacturing business not be physically expanded beyond its existing scale, within the existing building.

An addition to the building was constructed in December 2000 without a permit and it was this event that prompted the Zoning and Permits Branch of the Planning, Property and Development Department to realize the septic tank manufacturing business was no longer legally established on the property. The rear of the property is accommodating well over one hundred poly tanks, far in excess of the thirty tank limit originally imposed. The property is also functioning as a storage yard for several trucks and trailers, a use not permitted under "M1B" Industrial district regulations and conditional in a "C3-1" Commercial zoning district.

The property was also subject to a landscape plan as approved by the East Kildonan-Transcona Community Committee on April 24, 1990. The landscape plan concerns the most westerly 40 feet of the property and includes 3 shubert chokecherry (8 foot, 2 inch calliper), 8 globe cedars (2 foot), 5 blue junipers and 28 potentilla (22 to 24 inches). There is no evidence that this landscaping requirement has been maintained on the property.

In order for the septic tank manufacturing operation to continue on this property, zoned "C3-1" Commercial District, the property must be rezoned for the industrial use. As a Neighborhood Policy Area in Plan Winnipeg, light industrial development is permitted provided it is developed to industrial park standards. In order to achieve the intent of industrial park standards, an "M1B" Industrial District is appropriate. Under the Zoning By-law, development in "M1B" would also require approval of development plans by the Building Design Board.

On the subject property, the intent of the "M1B" Industrial District can be met through implementation of the following site development standards as well as the scrutiny of the Building Design Board, namely:

1. A solid opaque fence should be installed along the north and east property lines, which may include some relocation of the fence to incorporate landscaping as described below.

2. Substantial landscaping should be provided between the property line and the fence along the entire east side of the property to fully screen the rear yard / outside storage from Lagimodiere Boulevard. The landscaping should be installed to cover at least 20 feet west of the east property line and wrap around the northeast and southeast corners of the property, about 20 feet south of the north property line for the easterly most 50 feet and 20 feet north of the south property line for the easterly most 50 feet. Landscaping should include a mix of coniferous (minimum 8 feet high) and deciduous (minimum 3 inch calliper) trees in two rows twenty feet on center. Details about plant bed preparation should be included with plans submitted to ensure trees are well established.

3. A comprehensive landscape plan should be re-established for the Panet front yard, to incorporate a mix of coniferous and deciduous trees and shrubs.

4. The height of all outside storage should not exceed the height of the fence and the outside storage to be maintained in an orderly conditional at all times. This is a specific by-law requirement in the "M1B" Industrial district.

5. The truck and trailer compound is not legally established at this time and is not permitted in an "M1B" Industrial district. All stored trucks and trailers should be removed from the site.

The Water and Waste Department advised that there is a full range of underground services existing in Panet Road abutting the subject site. The Public Works Department advised that the subject site abuts the temporary asphaltic concrete pavement section constructed by Revy Home and Garden Centre. The Administration recommended that the owner of the subject property as conditions of any rezoning of the land be required to enter into a servicing agreement to address the costs of servicing the site.
Given the nature of the area, particularly the evolution of commercial development south of the property east of Panet Road and the residential neighbourhood to the west, Planning and Land Use Division of the Planning, Property and Development Department recommended that the area is not suitable for industrial development over the long term. The property is most suitable for commercial development and the recommended landscaping treatments will provide an investment toward the future development

of the property for commercial purposes. For this reason, the recommended Zoning Agreement includes a clause that will cause the zoning to revert to "C3-1" Commercial District at that time the septic tank manufacturer ceases to operate at this location. Alternatively, The City of Winnipeg Act allows a period of time to define the termination of the temporary use. This may be more appropriate if the business has specific plan to relocate.

The East Kildonan-Transcona Community Committee held public hearings on May 14, June 19 and July 17, 2001, to consider the subject application for rezoning and heard public representations on this matter.

On October 9, 2001, the East Kildonan-Transcona Community Committee continued the public hearing process, and considered a supplementary administrative report dated October 2, 2001, from the Manager of Planning and Land Use, Planning, Property and Development Department, summarizing that it is the intent of the City that this land should be developed for commercial, not industrial uses. The City accommodated the establishment of an industrial use (septic tank manufacturing and storage) on a temporary basis through two variances. The applicant did not meet the conditions of those variances when he expanded the manufacturing business without a permit. The uses on this site are now in conflict with the Winnipeg Zoning By-law.

Given the long history of industrial type uses on the site, the current low demand for commercial development at this location and the investment made in the septic tank manufacturing business, the Planning, Property and Development Department supports a zoning change to resolve this conflict. However, since this is a Neighbourhood Policy area under Plan Winnipeg, any industrial zoning must meet industrial park standards. These standards are intended to create an open, well-landscaped, attractive industrial environment. In this instance the focus will be on the appearance from Panet Road and from Lagimodiere Boulevard.

On the basis of discussion with the applicant, the Administration recommended that certain changes be made to the recommendations contained in the report dated May 4, 2001 from the Manager of Planning and Land Use. These changes are:

- An opaque fence will not be required along the north and east property line. Screening of this industrial use from Lagimodiere Boulevard will be accomplished by development of a minimum 10-foot extensively landscaped strip according to plans to be approved by the East Kildonan-Transcona Community Committee. The chain link fences may remain but the fence along the east property line shall be relocated to accommodate the approved landscaping.

- A date be added (June 30, 2002) by which landscaping must be completed.

- Parking trailers will not be prohibited on the site but will be limited to two (2) trailers associated with a highway tractor repair business.

Although there are only minor changes, in order to avoid any confusion, the Administration recommended that its recommendations for approval of the proposed rezoning contained in the May 4, 2001 report be replaced with those outlined in the October 2, 2001 supplementary report.

As outlined above, on May 14, June 19, July 17 and October 9, 2001, public hearings were held by the East Kildonan-Transcona Community Committee to consider the subject rezoning application. Three

persons registered in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed rezoning for the following reasons:

1. Given the long history of industrial type uses on the site, the current low demand for commercial development at this location and the investment made in the septic tank manufacturing business, the Planning, Property and Development Department supports a zoning change to resolve this conflict.

2. Since this is a Neighbourhood Policy area under Plan Winnipeg, any industrial zoning must meet industrial park standards, which are intended to create an open, well landscaped, attractive industrial environment.

3. The focus will be on the appearance of the site from Panet Road and Lagimodiere Boulevard.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report dated October 24, 2001, from the East Kildonan-Transcona Community Committee and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Recommendation III be deleted in its entirety and replaced with the following:

  III. That the City Solicitor/Manager of Legal Services be requested to prepare a by-law for submission to Council, pursuant to Section 518 of The City of Winnipeg Act to provide that no building or structure shall be placed on the applicant's land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

- Recommendation I.A. be amended by adding the following sub-clause:
  7. That pursuant to a by-law passed by Council, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected on the land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee, as amended, and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2001 dated May 4, 2001, to an "M1-B" Industrial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the zoning on the property shall revert to a "C3-1" Commercial District upon cessation of the septic tank manufacturing use on this property.

      2. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways,

fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, landscaping, including details about planting bed preparation, are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DAZ 202/2001, maintained thereafter to the satisfaction of the Director, Planning, Property and Development, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

3. That the east, north east, and south east edges of the property shall be extensively landscaped with trees in accordance with Condition No. 2 and that said landscaping shall be established not later than August 30, 2002, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

4. That the front yard shall be extensively landscaped, in accordance with Condition No. 2 and that said landscaping shall be established not later than June 30, 2002 and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

5. That not more than two (2) highway transport trailers may be stored on the site in conjunction with a highway tractor repair business.

6. That with the exception of highway transport trailers, no outside storage shall exceed the height of the fence.

7. That pursuant to a by-law passed by Council, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected on the land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

II. That the owner of the subject property shall enter into a Servicing Agreement in accordance with Land Development Engineer's Report dated May 2, 2001, amended as follows:

"That the following be added to Condition No. 1, at the end thereof:

The above share shall be adjusted to take into account previous Local Improvement Levies assessed for sidewalks, ornamental street lighting and concrete pavement, including boulevards, pursuant to By-Law Nos. 6113/93, 7152/98 and 7356/99 respectively."

III. That the City Solicitor/Manager of Legal Services be requested to prepare a by-law for submission to Council, pursuant to Section 518 of The City of Winnipeg Act to provide that no building or structure shall be placed on the applicant's land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

IV. That a ten percent (10%) dedication be made by a payment of 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.

V. 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 Council extends that time.

VI. 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.

VII. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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.

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

IX. 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 Act.

Schedule “A” referred to in Clause 14 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. **DAZ 202/01**

Atlas Sheet No. **Y30**

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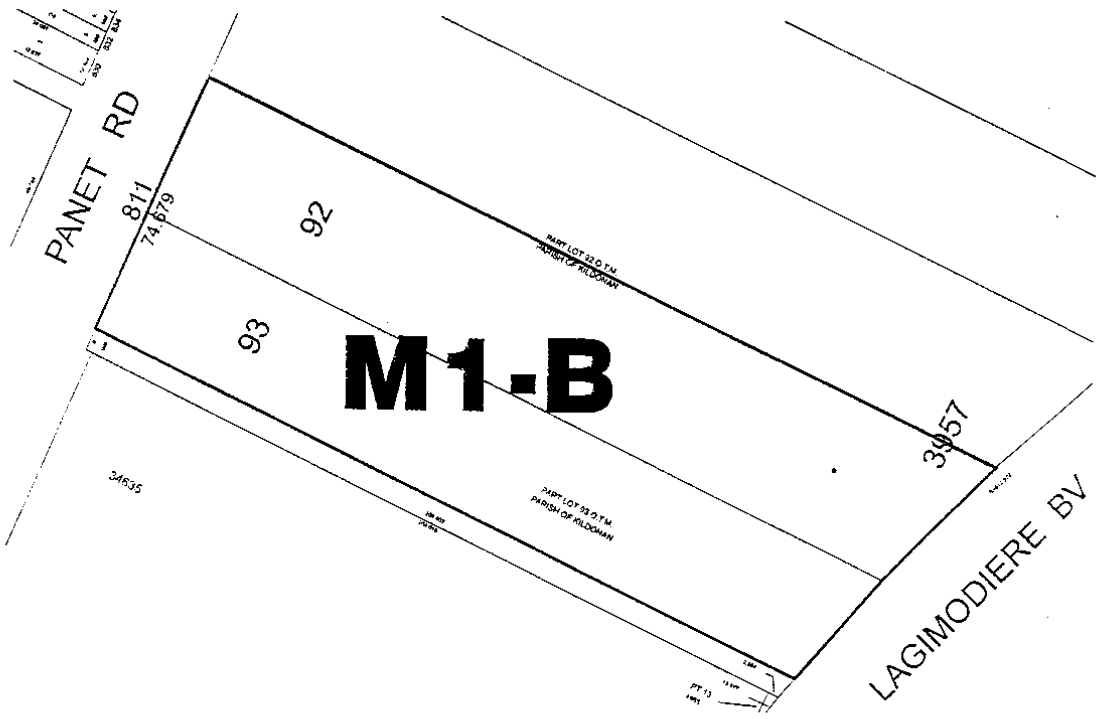
EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 811 Panet Road from a "C3-1" COMMERCIAL DISTRICT to an "M1-B" INDUSTRIAL DISTRICT as shown outlined below.



Schedule "A" for
File DAZ 202/2001
East Kildonan – Transcona
Community Committee
May 4, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____