Minute No. 170
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 25 Subdivision and Rezoning - 738 Pandora Avenue East
File DASZ 42/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 42/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2006 dated November 13, 2006, for registration in the Winnipeg Land Titles Office 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 November 14, 2006.

2. That the developer shall, at no expense to the City of Winnipeg, transfer to the City property eleven (11.0) metres in width required for a future right-of-way along the full length of the west limit of the subject property;

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

4. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2006 dated November 13, 2006, to a "M2" Industrial 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 condition:

    A. That site plans shall be submitted 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.

Report - Standing Policy Committee on Property and Development - January 9, 2007

COUNCIL DECISION (continued):

5. 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.

6. 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 in the market value of the land.

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

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

9. 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.

10. 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.

11. 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.

12. 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 - January 9, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, namely:

- That Recommendation No. 6 be amended by deleting the words "two (2%)" in the first line thereof and substituting the words "ten (10%)",

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 21, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation No. 2 be amended by substituting the words "22.0 metres" with the words "11.0 metres" in the second line thereof.

- That Recommendation No. 4 be amended by adding the following words, "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 condition:

  A. That site plans shall be submitted 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."

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- That Recommendation No. 6 be amended by substituting the words "ten (10%)" with the words "two (2%)" in the first line thereof.

- That Recommendation No. 9 be deleted in its entirety and replaced with the following:

    "9. 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."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 738 Pandora Avenue East**
File DASZ 42/2006 [c/r DAV 156903/2006D]

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

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

Report date: **December 6, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 21, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 42/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2006 dated November 13, 2006, for registration in the Winnipeg Land Titles Office, 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 November 14, 2006.

2. That the developer shall at no expense to the City of Winnipeg, transfer to the City property ***11.0 metres*** ~~***22.0 metres***~~ in width required for a future right-of-way along the full length of the west limit of the subject property;

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

4. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2006 dated November 13, 2006, to a "M2" Industrial 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 condition:***

    A. That site plans shall be submitted 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.

5. 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.

6. That a ***two (2%)*** ~~***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.

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

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

9. 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.

10. 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.

11. That 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.

12. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The applicant initiated community consultation and no one registered in opposition to the subject application.

2. The proposal is consistent with the Transcona Yards Industrial Area Redevelopment Plan adopted by Council.

3. The subject application to rezone the property to an "M2" Industrial District is more restrictive that the current zoning designation of an "M3" Industrial District.

PUBLIC HEARING SUMMARY

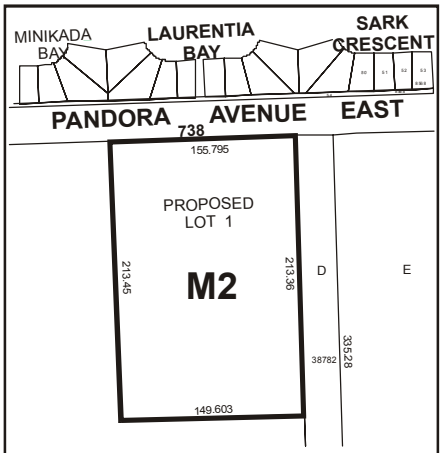
File: DASZ 42/2006 [c/r DAV 156903/2006D]

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

Public Hearing: November 21, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Thomas Design Builders Ltd.
(Bill Thomas)

Subject:



APPLICANT : THOMAS DESIGN BUILDERS
FILE : DASZ 42/06
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "M3" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 738 Pandora Avenue East

Exhibits Filed:

1. Application dated October 25, 2006
2. Notification of Public Hearing dated October 27, 2006
3. Manitoba Status of Title 1749647
4. Letter of authorization dated October 16, 2006, from the Asset Manager, Canadian National Railway Company, to Thomas Design Builders Ltd.
5. Surveyor's Building Location Sketches dated November 3, 2006
6. Report from the Planning and Land Use Division dated November 13, 2006
7. Report from the Administrative Coordinating Group dated November 14, 2006
8. Inspection Report
9. Plans including photographs (6 pages), submitted by Murray Wilson at the public hearing

REPRESENTATIONS:

In Support:

Uve E. Loleit
Randall Schroeder
Bill Thomas, Thomas Design Builders Ltd.
R. Wayne Urbonas
R. Brian Walker, Granny's Poultry Cooperative
Murray Wilson

In Opposition

Nil

For Information:

Carlyle Bennett
Geo Derenchuk
Daryl Reid, MLA for Transcona

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Murray Wilson, Designer, Brian Walker, Granny's Poultry Cooperative, and Bill Thomas, Thomas Design Builders Ltd., on behalf of the applicant, appeared in support of the application.

Murray Wilson submitted plans of the subject property, including photographs of the current head office and hatchery located on Scurfield Boulevard, and of the hatchery process, filed as Exhibit 9. He referred to renderings titled "Site" and "Site Plan" (Pages 1 and 2 of Exhibit 9) to depict the location of the proposal. He provided a brief overview of the proposal and indicated that the subject property comprises approximately 8 acres of land and complies with the Transcona Yards Industrial Area Redevelopment Plan.

Brian Walker advised that the front of the building to house the office component will be located 115 feet from Pandora Avenue, in line with Palliser to the east and other buildings in the existing neighbourhood, and the hatchery component will be situated to the back of the property. He overviewed the proposal including discussion of the following, namely: one approach access to the site; loading and unloading at the rear of the building; maintenance and landscaping of the site; and, lighting levels. He referred to the rendering titled "Truck Route" and advised that the orange line indicates the direction of traffic flow, and also referred to the rendering titled "Current Head Offices and Hatchery-Scurfield". He indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated November 13, 2006, with the exception of Recommendation No. 2 that requires the Developer to transfer to the City of Winnipeg property required for a future right-of-way along the full length of the west limit of the subject property. In this connection, he indicated they have already lost 23 metres of side yard in their negotiations with CN, and to give up the additional property to the City would be a deal breaker for Grannies.

Murray Wilson referred to a rendering titled "Hatchery Process" and advised that eggs are put into the hatchery for approximately 21 days until they hatch and that the chicks are shipped off the site within 3 hours of hatching. He indicated that a Clean Environment Commission hearing is not required for a hatchery. Murray Wilson advised that approximately 250 letters were dropped off to neighbouring residents and a public information session was held the week prior to the subject public hearing, with approximately 70 residents attending. He indicated that a single complaint has never been received in the 18 years that Grannies has been at its present facility. With respect to the servicing agreement outlined in the Administrative Coordinating Group Report dated November 14, 2006, Murray Wilson commented that they would have to go back to CN to negotiate the purchase price as they were of the understanding that the sewer requirements were already in place.

Bill Thomas, Thomas Design Builders Ltd., indicated that Granny's is pressed for time and commented that the administrative report is positive in regards to the proposed development; however a couple of recommendations were of surprise to them. He expressed opposition to the following recommendations contained in the administrative report from the Manager of Planning and Land Use dated November 13, 2006, namely:

- Recommendation No. 2 that the developer transfer to the City property required for a future right-of-way along the full length of the west limit of the subject property.
- Recommendation No. 6 that a ten percent dedication be made to the City in lieu of the requirement for land dedication based on the increase value of the land.

Councillor Wyatt indicated that a servicing agreement and the requirement for land dedication is standard policy.

Geo Derenchuk appeared for information and questioned the proposed rezoning from an "M3" to an "M2" Industrial District and its relation to the homes that currently exist in the area, and expressed concern regarding building in the Transcona area.

Carlyle Bennett appeared for information, and advised that he is a poultry specialist with the Department of Agriculture. He commented that few concerns were expressed at the open house regarding the spread of influenza, and in this connection, indicated that newborn chicks are not a disease risk for the spread of influenza or pathogens that live near hatcheries.

Daryl Reid, MLA for Transcona, appeared for information and commented that Grannies took the right first step by undertaking an open house and inviting residents to get involved in the process. He provided comments on the following; positive aspect of the unloading requirement to be located at the back of the property; lighting on the outside of the structure and its affect on neighbouring homes; truck traffic; ventilation and/or heating equipment on the roof. He concluded his representation by indicating that his office has not received any phone calls regarding the subject application.

John Wintrup indicated that the subject application was advertised indicating a lot width of 155.795 metres; however, the most recent plan indicates an area of 151.831 metres. He questioned if the change in width of the plan is a result of CN retaining 23 metres, to which Bill Thomas replied in the affirmative.

In rebuttal, Bill Thomas and Brian Walker addressed the various questions and concerns expressed.

Bill Thomas responded to the question regarding the rezoning from an "M3" to an "M2" Industrial District, and indicated that the "M2" zoning is more restrictive and requires lighter industrial uses than the "M3" Industrial District zoning designation. He also indicated that with respect to the comment regarding ventilation and/or heating equipment on the roof that there would be one major exhaust and likely an internal HVAC unit.

Brian Walker addressed comments related to truck traffic and indicated that it would be minimal and that the hours of truck traffic would not exceed operation from Monday to Friday.

Councillor Wyatt acknowledged the expressed time sensitive need of Granny's and questioned if the applicant would prefer that the public hearing be adjourned inasmuch as the applicant has expressed concerns regarding administrative recommendations related to land dedication, the servicing agreement, and the requirement to transfer at no expense to the City of Winnipeg property for a future right-of-way. He further questioned if the applicant would be willing to compromise on the amount of property the Developer shall transfer for the future right-of-way to one half of the amount indicated in Recommendation No. 2 of the administrative report from the Manager of Planning and Land Use so that the Developer would transfer to the City of Winnipeg 11.0 metres, as opposed to 22.0 metres.

Bill Thomas responded by indicating that although he has concerns that the right-of-way will not transpire, they would agree to the compromise and suggested that a time limit of 15 years be imposed for the requirement so that if the right-of-way does not transpire in that time period, the City would return the property acquired for that purpose.

Brian Walker reiterated Bill Thomas's comments and further commented that CN plays a major role in the subject proposal.

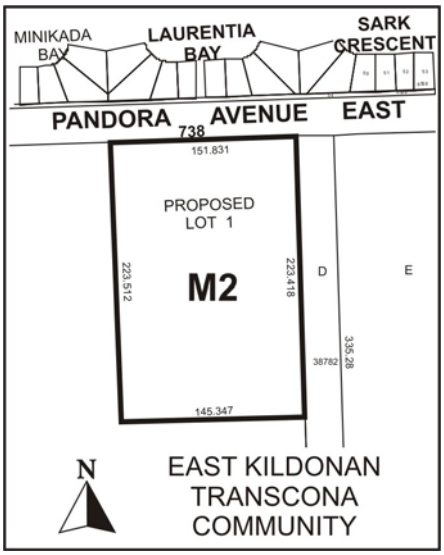
Exhibit "6" referred to in File DASZ 42/2006 [c/r DAV 156903/2006D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **November 13, 2006**
File: **DASZ 42/06**
Related Files: **DAV 06-156903/D**
Subject: **Rezone and subdivide property for a office use and hatchery.**
Location: **738 Pandora Avenue**



Applicant: Thomas Design Builders Ltd. (Bill Thomas)
Owner: Canadian National Railway

Recommendation: **Approve with Conditions**
Report Summary:

- The applicant has applied to rezone the land from heavy industrial to lighter in order to construct a building for a head office and poultry hatchery.
- Heavy industrial uses such as asphalt plant, concrete batching plant, foundry, mushroom plant, slaughtering and packing; and sewage treatment plant are currently permitted.

- The **Transcona Yards Industrial Area Redevelopment Plan** encourages the move to lighter, moderate industrial/commercial activities along Pandora Avenue.

Site Description

The subject property is **8.2 acres** located on the south side of Pandora Avenue, east of Redonda Street and west of Wayoata in the Transcona Yards Industrial neighbourhood of the Transcona Ward. The site is zoned **"M3" Industrial District** with **498.13 feet** of frontage along Pandora Avenue and **733 feet** of depth. Adjacent properties include Palliser Furniture to the east, and CNR lands to the west and south zoned "M3". Surrounding lands to the north across Pandora Avenue are residential dwellings zoned "R1-5".

Background

The **Transcona Yards** is an industrial *Neighbourhood Characterization Area* comprised of more than **800 acres** of industrially zoned land south of Pandora Avenue East, east of Plessis Road, north of Dugald Road and west of Ravenhurst Street. Most of the property is zoned **"M3" Industrial District** with approximately 80 acres at the northwest corner zoned **"M2" Industrial District**. The "M3" zoning recognizes the heavy industrial use of CNR's rail yards that have occupied the lands since 1907.

Description of the Proposed Development

- The applicant has applied to rezone the land from heavy industrial to lighter in order to construct a building for a head office and poultry hatchery.
- The head office will be **10,000 square feet** and the hatchery **25,000 square feet.**
- Eggs are picked up from across rural Manitoba and delivered to the hatchery in an enclosed, 3 ton box truck.
- Eggs are put in the hatchery for approximately 21 days until they hatch: the chicks within 3 hours of hatching are immediately shipped out to rural Manitoba to be raised as chickens.
- There is no feeding, watering, or processing of chickens on the site.
- Egg shells are disposed off by shipping them once a week to an offsite facility.
- The un-loading of the eggs, the loading of the chicks and the disposal of egg shells is entirely within the building with no outside storage.
- The hatchery hours with truck activity is from 9:00 am to 11:30 am and 1:00 pm to 2:30 pm, 4 days a week.
- The hatchery is regulated and licensed by the Canada Food Inspection Agency and Manitoba Agriculture.
- The existing hatchery is located on one (1) acre of land at 84 Scurfield Blvd, which is 400 feet from single family dwellings.
- The applicant has indicated the existing site does not meet there space requirements, thus the re-location to the proposed site.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that industrial down zonings are allowed in Industrial Policy Areas.

SECONDARY PLANS
By-law **No. 141/2005**, the **Transcona Yards Industrial Area Redevelopment Plan** with policies guiding the future development of the Transcona Industrial Yards was approved by Council on February 22, 2006.

This secondary plan provides support for continuing existing heavy industrial uses, while encouraging a move to lighter, moderate industrial/commercial activity at the periphery of the plan area.

Design standards and controls are also required for the future industrial/commercial operations at the periphery and adjacent to the residential areas to mitigate the potential land-use conflicts. The dedication of land for future north-south rights-of-ways is also provided in the Secondary Plan.

4.3.1 Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise.

4.3.3 All development (buildings, parking, etc.) within 150 metres (492 feet) of Pandora Avenue shall be developed in accordance with Section 5.0 of this Plan.

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, Hotel, Gas Station, Manufacturing and Restaurant.
- The **"M3" Industrial District** allows for heavy industrial development of a potentially noxious nature with 134 Permitted Uses and 12 Conditional uses. The uses include Asphalt plant, Concrete Batching plant, Foundry, Mushroom Plant, Meat / Poultry Slaughtering and Packing; and Sewage Treatment Plant.

LAND USE BYLAW ISSUES
DAV 06-156903/D
- 'Office Use' and 'Poultry Hatchery' are not permitted uses in the **"M3" Industrial District.**
- The applicant has made application for a 'use' variance to temporarily allow these uses.

Restrictions on variances – City of Winnipeg Charter

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 "M2" Industrial 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

- The subject lands coincide with an identified future north-south route on Figure 10 of the **Transcona Yards Industrial Area Redevelopment Plan**.
- Section 3.8.2 of the plan indicates the City *shall consider future transportation linkages within the Plan Area (Figure 10) when reviewing any plans of development, and shall protect the future rights-of-ways through site plan reviews.*
- The applicant has identified a future access road within the 112 foot west side yard.
- A condition of approval is the dedication of 22.0 metres for a future right of way.
- Pandora Avenue is a regional street and designated truck route at this location.
- Access to the lot will be from Pandora Avenue with a 35 foot wide driveway extending south along the east property line to the rear of the building.
- The applicant has indicated that 6-8 trucks, 4 days per week will attend to the facility.
- A large, semi-trailer truck may deliver eggs, once every two months.
- There is no sidewalk along the south side of Pandora.

SITE DESIGN ISSUES

- The plans submitted indicate the office component of the building will be located to the front and the hatchery component to the rear.
- The shipping and the receiving area for the hatchery will be on the rear side of the building approximately 400 feet from Pandora Avenue: 420-450 feet from the nearest residential dwelling.
- The office will be 115 feet from Pandora Avenue.
- The building complex will have a west side yard of 112 feet and an east side yard of 185 feet.
- The **Transcona Yards Industrial Area Redevelopment Plan** requires a 40 foot setback which will include a 25 foot landscape setback.

- The landscaping design shall be of such a nature as to provide for adequate screening of industrial operations to a degree in keeping to the relative intensity of the industrial (or other) use, which may involve a combination of sod, planting beds, trees, hedges, berming and fencing.
- A landscape plan has not been submitted, however, a plan will be required for approval prior to any development permits being issued.

PUBLIC INPUT
The applicant hosted an informational public open house on November 13, 2006 at the East End Community Club. The applicant submitted a one-page notice to 230 houses in the residential area immediately north of the proposed location advertising this public open house. This information was also communicated in an article on the project in the November 10, 2006 Winnipeg Free Press. At least 40-60 people attended the open house, where informational boards where on display indicating the proposed development and hatchery operation.

Recommendation

The Planning and Land-Use Division supports this down zoning to permit the lighter industrial uses to be established. The policies of the Transcona Yards Industrial Neighbourhood encourages the establishment of lighter industrial and commercial uses along Pandora Avenue. The current zoning allows for heavy industrial uses of a noxious nature, whereas the new zoning will encourage light industrial. Lighter industrial uses of the "M2" Industrial District are more complimentary to the existing residential to the north, and will act as a buffer against the existing heavy industrial uses to the south.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 42/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 42/06,** attached hereto and dated **November 13, 2006**, for registration in the Winnipeg Land Titles Office, 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 **November 14, 2006**;

2. That the developer shall at no expense to the City of Winnipeg, transfer to the City property 22.0 metres in width required for a future right-of-way along the full length of the west limit of the subject property;

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

4. 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 42/06** attached hereto and dated **November 13, 2006** to a **"M2" Industrial District.**

5. 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.

6. 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.

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

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

9. 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 **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**.

10. 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.

11. 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.

12. 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 42/06

Schedule "A"

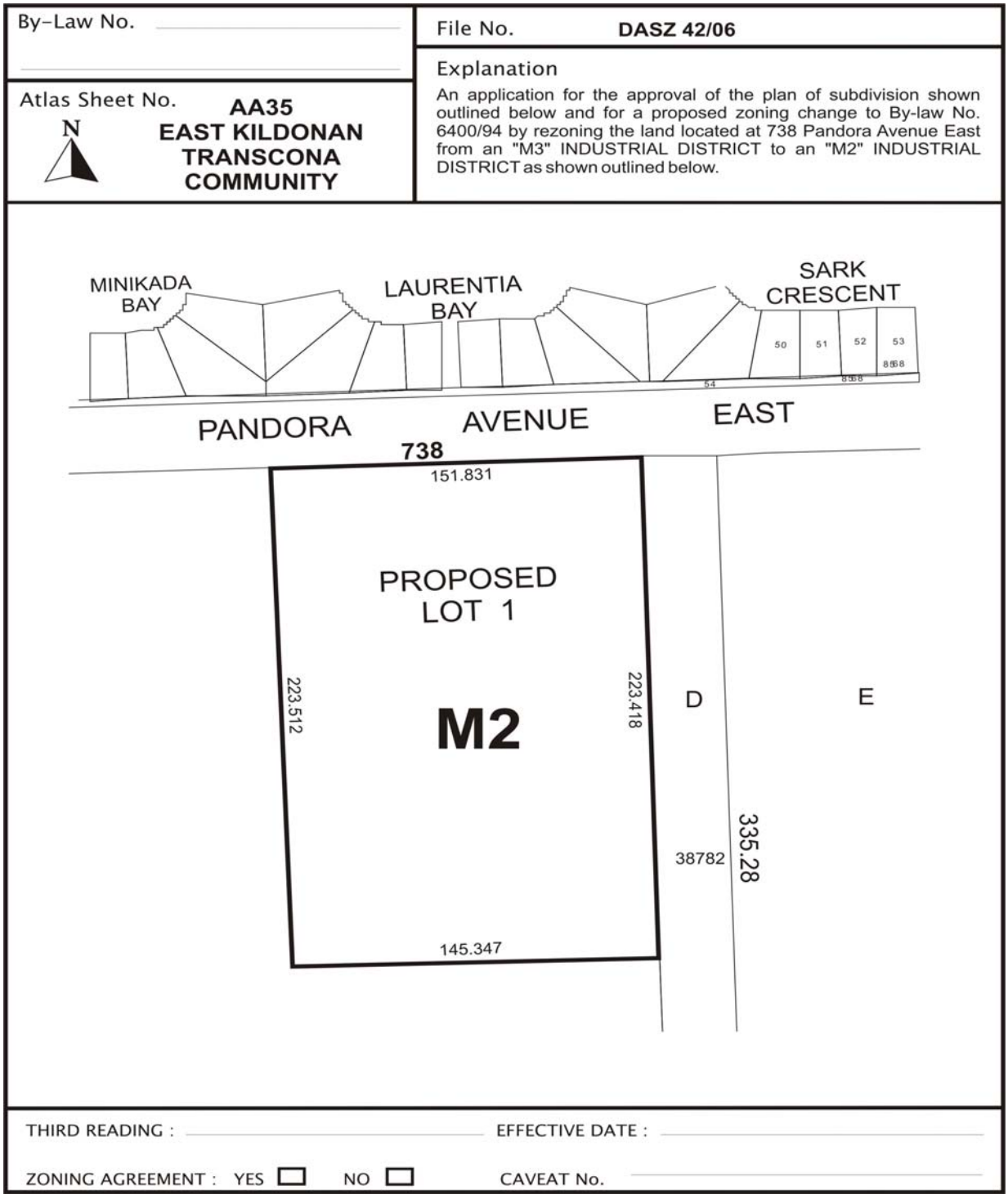


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 42/06, dated November 13, 2006.



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

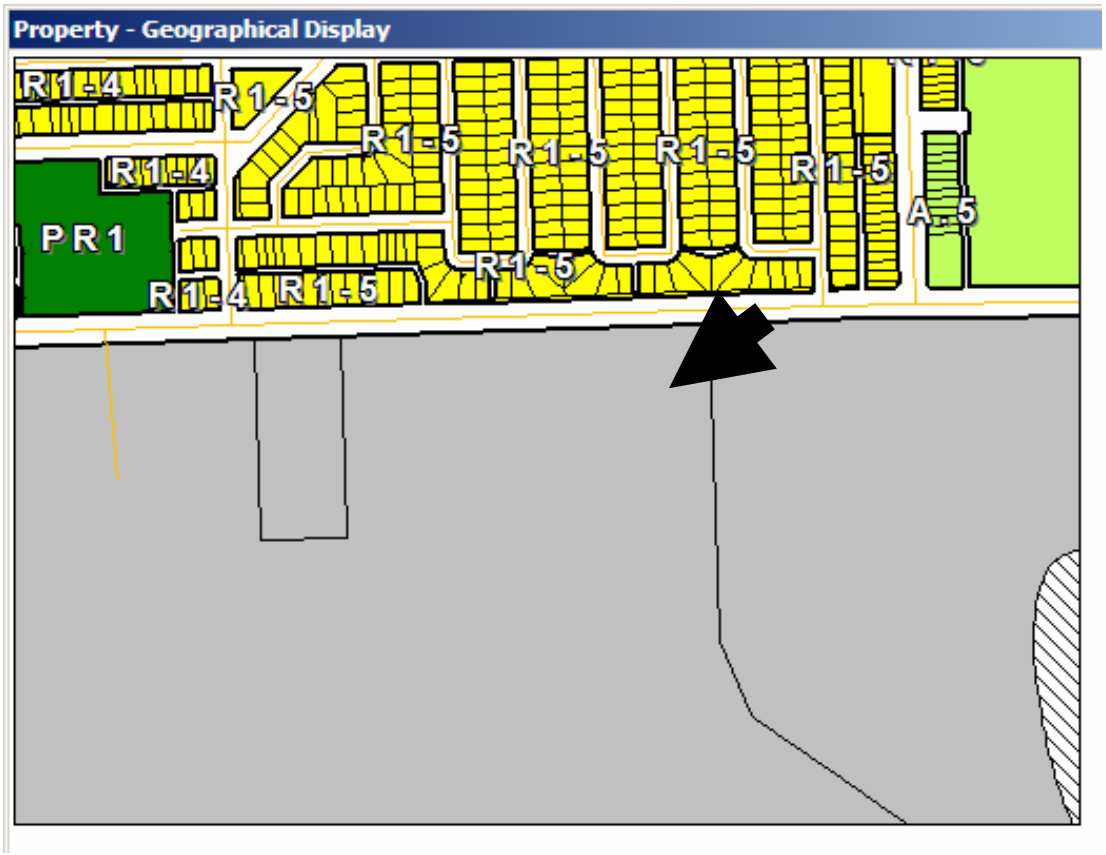


Figure 3: Existing Zoning for subject property and Surrounding Area.

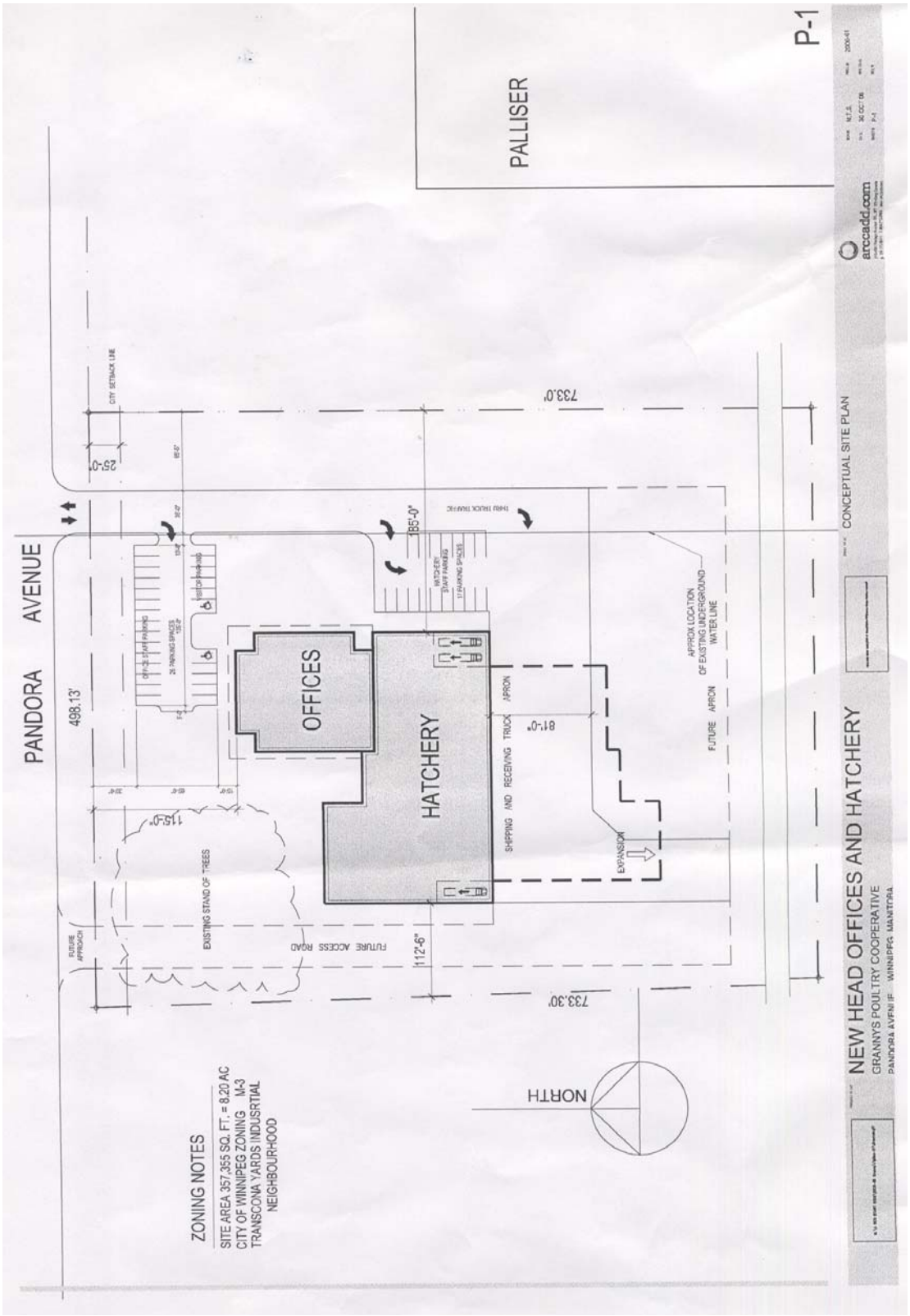


Figure 4: Proposed site plan of building.

Exhibit "7" referred to in File DASZ 42/2006 [c/r DAV 156903/2006D]

Re: Proposed subdivision and rezoning on land located at 738 Pandora Avenue East – DASZ 42/06

An application has been submitted by Thomas Design Builders to subdivide and rezone land located on the south side of Pandora Avenue East, west of Redonda Street. This property is located within the Transcona Yards Industrial Neighbourhood Secondary Plan and under the Plan, proposed Lot 1 will be restricted to Dry Industrial Development. Thus, in accordance with this restriction, the applicant shall provide a report, prepared by a qualified engineer, demonstrating that the peak wastewater flows from the proposed poultry hatchery will not exceed 1000 gallons/acre/day (11200 litres/hectare/day).

It is recommended that approval of DASZ 42/06 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, construct a wastewater sewer to serve the proposed development as determined by and to the satisfaction of the Director of Water and Waste. (If the development cannot comply with the wastewater flow restriction of 1000 gallons/acre/day, the Developer will be required to direct the flow to the Dugald Interceptor in accordance with the City's Regional Wastewater Plan).

2. a) The Developer shall pay its share of the cost of existing services in Pandora Avenue East at the Local Improvement rates prevailing at the time payment is made. Based on the 2006 Local Improvement rates that share will be calculated as follows:

i)	Watermain	$ 80.00/foot
ii)	Land Drainage Sewer	18.00/foot
iii)	Concrete Pavement (including boulevard)	137.63/foot
iv)	Concrete sidewalks (low rate)	9.48/foot
v)	Ornamental Street Lighting	9.40/foot
		$254.51/foot

   b) The Developer shall also pay the Kildare (Land Drainage) Trunk Use Charge ($818.09/acre)

3. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of wastewater sewers required to serve the proposed development.

4. The Developer shall pay $1,650.00 to defray the City's Administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 42/06
November 14th, 2006
V:\7-ACG Reports\06ag42-report.doc

["Original signed by E.L. Carriere"]
Land Development Engineer

["Original signed by T.S. Josephson"]
Water and Waste Department

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