Minute No. 360
Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 10 Subdivision and Rezoning - 454 and 478 Archibald Street
File DASZ 43/2007 [c/r DAV 162623/2007D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 43/2007 not be proceeded with.

Report - Standing Policy Committee on Property and Development – March 25, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development, that the application for subdivision and rezoning under File DASZ 43/2007 not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 43/2007 not be proceeded with.

RE: **Subdivision and Rezoning - 454 and 478 Archibald Street**
File DASZ 43/2007 [c/r DAV 162623/2007D]

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

Prepared by: **Marc Pittet**
Senior Committee Clerk

Report date: **February 27, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 43/2007 not be proceeded with.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The rezoning of the subject property to an "M3" Industrial District has significant potential to adversely affect the surrounding area.

PUBLIC HEARING SUMMARY

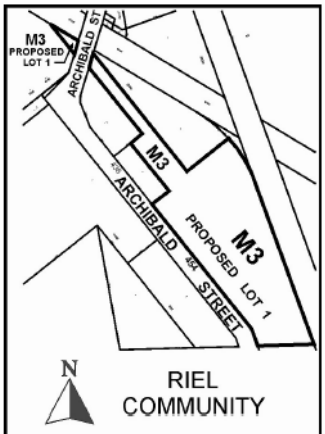
File: DASZ 43/2007 [c/r DAV 162623/2007D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 25, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: MMM Group (Ross Mitchell)

Subject:



APPLICANT: MMM GROUP
FILE : DASZ 43/07
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 "M2" INDUSTRIAL DISTRICT to an "M3" INDUSTRIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : MMM GROUP
N° DE RÉFÉRENCE : DALZ 43/07
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 6400/94 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie M2 (SECTEUR INDUSTRIEL) à la catégorie M3 (SECTEUR INDUSTRIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 454 and 478 Archibald Street

Exhibits Filed:

1. Application dated December 20, 2007
2. Notification of Public Hearing dated January 11, 2007
3. Manitoba Status of Titles 2144931, 2144934 and 2144937
4. Letter of authorization dated July 12, 2007 from 2710331 Manitoba Inc. to MMM Group
5. Surveyor's Building Location Certificate and sketch dated November 28, 2006
6. Joint Use of Siding (CNSA 22656-A) dated March 1, 2006, between Canadian National Railway Company, Rakowski Cartage and Wrecking Ltd. and Iko Industries Ltd.
7. Plans
8. Report from the Planning and Land Use Division dated February 18, 2008
9. Inspection Report
10. PowerPoint presentation and documentation in support of the application submitted by Ross Mitchell at the Public Hearing
11. Petition in opposition to the application purporting to contain the signatures of 100 area residents submitted by Teresa Cwik
12. Area Zoning Maps submitted by C. L. Chappell
13. Presentation in opposition to the application submitted by Jim Thomas
14. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ross Mitchell, MMM Group
Frieder Aldinger, MMM Group
Jim Dart
Joel Gardner
Mark Massey
Janek Rakowsky

In Opposition

Will Antoniuk
C.L. Chappell
Josh Chisick
Clifford L. Chisick
Ron and Teresa Cwik
Frank Jacques
Bryan Klein
Zenon Kuzemchak
Daniel Lambert
Holli Moncrieff
Water, Wanda and Helen Oleszko
Tim St. Vincent
Jim Thomas

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 43/2007 [c/r DAV 162623/2007D]

Winnipeg

Planning, Property and Development Department Report

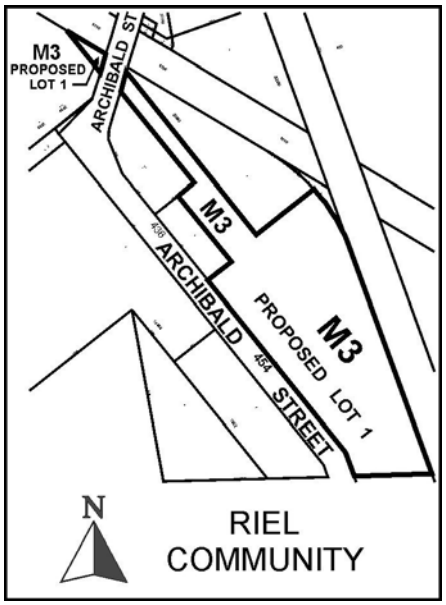
To the Riel Community Committee

Date: February 18/2008
File: DASZ 43 /07
Related Files: DAV 07 -162623D

Subject: An application has been filed with the City of Winnipeg to rezone the subject lands from an "M2" to an "M3" Industrial category to permit the establishment of a metal recycling facility on the site. A new 10,000 sq. ft. warehouse is to be constructed on the property to facilitate the operation.

Location: 454 Archibald St.

Legal Description: Lots 1,2, & 4 Block 1 Plan 20930 RCMP



Applicant: MMM Group

Owner: 2710331 Manitoba Ltd.

Recommendation: Recommend approval with conditions

Site Description:



Existing Land Use and Zoning:
The subject site is approximately 5.6 acres and is located in the Mission Industrial neighbourhood of the St. Boniface ward. The site is on the east site of Archibald Street, north of Marion Street and South of Messier Street. The site is zoned "M2" Industrial District and is surrounded by other industrially zoned land with both the CNR and CPR rail lines to the east.

Surrounding Land Use and Zoning:

North: Industrial uses, and the Canadian Pacific Railway line and the CN Railway line, zoned "M2" And "M3" Industrial Districts.
South: Archibald Street then a mix of industrial, commercial and residential uses zoned "M2", "C2", and "R2-T" Districts.
East: Industrial uses, zoned "M2" and "M3" Industrial District.
West: Archibald Street then industrial uses, zoned "M2" Industrial District then Public Reserve and the Seine River zoned "PR-1" Parks & Recreational District.

Background:

DCU 34/98C – approved the expansion of an existing grain elevator use but the construction/location of grain pellet storage bins.
DCU 160/97C – approved the construction of a drive-thru grain loading facility.
DCU 173/97C – approved the establishment of an advertising sign use (free-standing sign).
DCU 06 163035/C- Approved for a smaller scale (3.3 ac.) recycling project including Sorting , bailing with **some** processing.

Description of the Proposed Development:

The owners of the property, Rokowski Cartage & Wrecking, in conjunction with Gerdau-Ameristeel, are proposing to collect and process ferrous scrap metal on the subject site for transport (truck or rail) to Manitoba Rolling Mill in Selkirk , Manitoba. Non –ferrous metal will also be collected and sorted for company use and /or sale and distribution to end users. On site operations would include scrap handling and torch cutting and shearing which would be conducted, generally, inside of a proposed new 10,000 sq. ft. facility at the south end of the property. The existing 2175 sq. ft. office building would be maintained as would most of the existing parking. The operation is expected to employ about five persons full time and hours of operation would be from 9:00 A.M. to 5:00 P.M. Monday through Friday. Saturday opening are a possibility in the future. No hazardous or environmentally harmful materials that could be contained within scrapped objects such as cars and appliances will be accepted at the facility (i.e. fluids, rubber, batteries etc.) Processed metal ready for shipment will be stored at the rear area of the lot adjacent to the railway spurs and should not be visible be cause of the proposed building locations and the proposed level of berming and fencing. Finally it is estimated that 8-10 vehicles per hour could access the site via Archibald, which is a designated major truck route.

Analysis:

Plan Winnipeg Compliance:
The subject site is located within an Industrial Policy Area in Plan Winnipeg, which is an area of concentrated industrial uses and supportive infrastructure with the possible inclusion of compatible commercial uses. This use appears to be compatible with surrounding industrial lands.

Land Use Bylaw Issues:

For many decades, the 5.65 acre site was used for grain handling and storage and flour and feed processing. The extensive complex of plants and silos associated with the previous grain operation has been demolished and the site is essentially vacant except for an office building and weigh scale. In 2006, a conditional use application was made to permit the recycling, sorting, baling and transfer of metal products on the front portion of the lands currently defined by the current application. The application was approved subject to a number of conditions particularly related to the provision of a high level of landscaping, fencing and berming to properly screen the property from Archibald. The current application is different from the previous DCU in that, in addition to the sorting, storage and transfer of ferrous materials, the new operation will include the cutting and paring down of metal products such as cars in advance of being shipped to the Rolling Mill in Selkirk. That distinction in addition to the expanded scale of the operation (5.6 ac. vs 3.3 ac.) is the primary reason a rezoning to "M3" Industrial is now required. The Planning and Land Use Division has evaluated the proposal and is , of the view, that the zoning change is supportable for the following reasons:

- The subject location falls within what is first and foremost a defined industrial area under Plan Winnipeg , with good access to rail-lines and designated trucking routes. It has been an area of medium and heavy industrial use for close to a century and when coupled with the St. Boniface Industrial Park, it constitutes by far the largest industrial development area in the City of Winnipeg.
- The site itself is large enough to allow any pre-transfer storage areas to be situated at the extreme rear of the property abutting the spur lines which is at least 250' from Archibald Street.
- All of the cutting and shearing of the metal brought on site will be conducted with a new 10,000 sq. ft. structure thereby eliminating much of the noise generated by the operation itself.
- The hours of operation, if restricted, as suggested, to 9:00 A.M. – 5:00 P.M., Monday – Friday should reduce impact on adjoining residential areas.
- And through the plan approval process, the City will endeavor to ensure that adequate landscaping, berming and buffering is established to reduce the visual impact of the operation and upgrade the existing site.

It should be noted that one of the concerns outlined by neighbouring residents at the open house held on February 12th, related to the high level of current trucking traffic on Archibald. There was also concern registered regarding the number of vehicles that shortcut through the residential areas adjoining Kavanagh, Giroux and Dufresne streets etc. These concerns, while valid, should not have a bearing on the subject application. As of right, under the current M2 zoning, the owner of the subject property could operate a trucking terminal which would in our view generate as much or more traffic as the proposed transfer use. It should further be noted that Archibald is a major truck route which provides vital heavy vehicle access to businesses all along Archibald and Messier to the east. Any change in its current status would have to addressed by the Public Works Department.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The site is a designated industrial area under Plan Winnipeg and has historically been an area of heavy industrial development.
- The area is well serviced by major trucking routes and rail –lines.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 43/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 43/2007 dated February 18, 2008, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 43/2007 dated February 18/2008, to a "M3" Industrial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      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, storage areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the **Riel** 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. *That the areas identified for ferrous material storage purposes be* restricted to the rear half of the overall site adjoining the CN Railway spurs.

iii. That the hours of operation be restricted from 9:00 A.M. –5:00 Monday to Friday.

3. 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 market value of the land and the creation of additional lots.

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

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 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

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

Report Prepared by: Kevin Lalor
PPD File #511

Schedule "A"

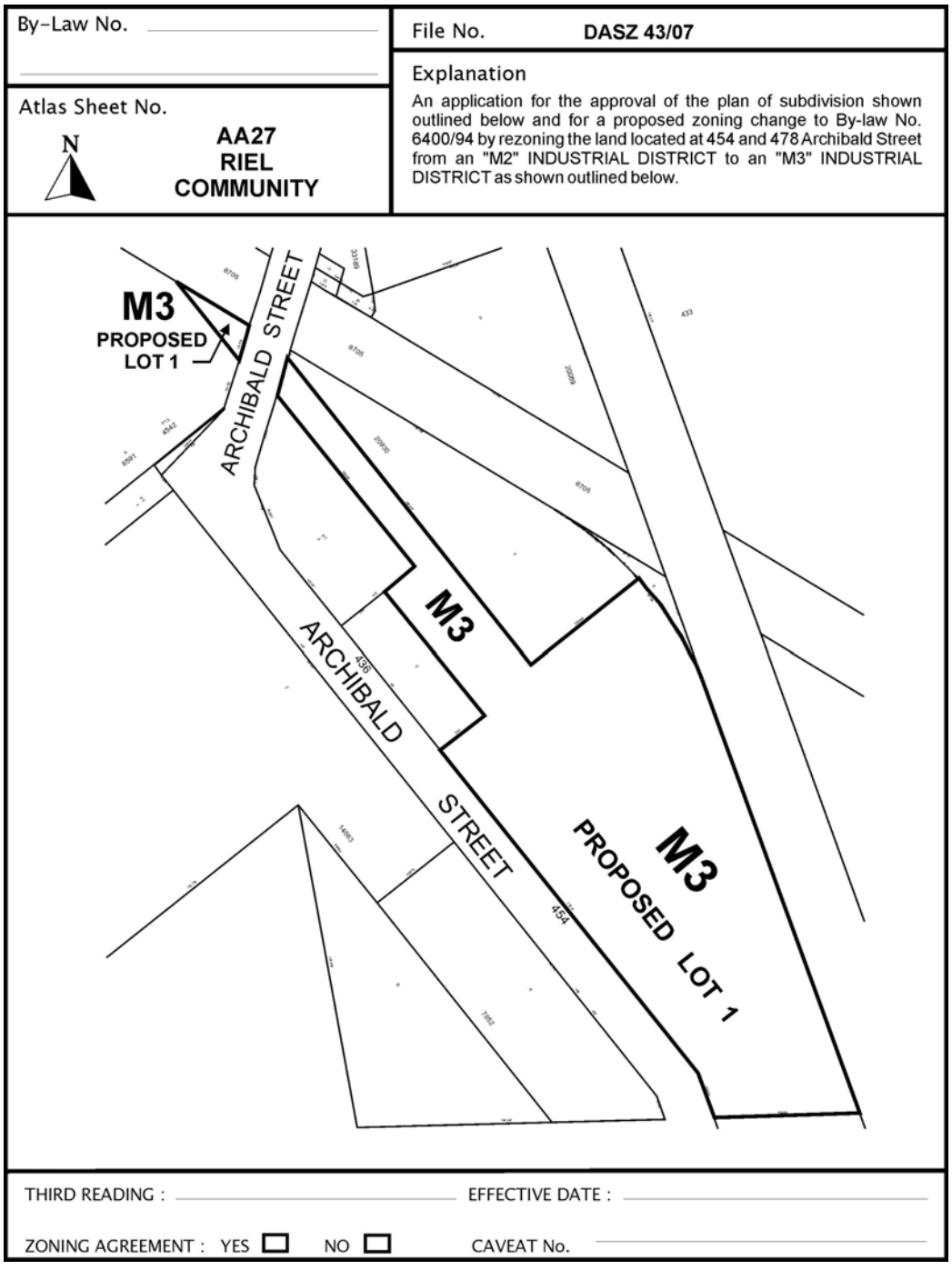


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 43/2007, dated February 18, 2008.