Agenda - Council - May 14, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 6 Subdivision and Rezoning - 15 - 55 Rothwell Road (Charleswood - Tuxedo Ward) File DASZ 7/2008

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 7/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2008 dated March 31, 2008, 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 April 2, 2008.

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 7/2008 dated March 31, 2008 to an "M2" Manufacturing - General District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant toSection 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 free-standing signage plans shall be submitted showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, exterior lighting and free-standing signage to the Director of Planning, Property and Development 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, any fencing located along the north and west property limits of Lot 1 shall be limited to a maximum height of 4 feet.

Report - Standing Policy Committee on Property and Development - April 29, 2008

iii. That the following uses shall not be permitted on the land:
   a. Place of Worship
   b. Gallery / Museum
   c. Amusement Enterprise, Indoor
   d. Amusement Enterprise, Outdoor
   e. Drinking Establishment
   f. Restaurant
   g. Funeral Chapel or Mortuary
   h. Medical/Dental/Optical/Counselling Clinic
   i. Landscape or Garden Supplies
   j. Auto/Light Truck/Motorcycle, Sales and Rental
   k. Drive-in or Drive Through

iv. That there shall be no mobile signs, poster signs and A-frame signs on the entire site.

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

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.

Report - Standing Policy Committee on Property and Development - April 29, 2008

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 - April 29, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 7, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, with the following amendment, namely:

- Amend Recommendation 1.A. by deleting the words "with the following amendment, namely:

  i. Delete Recommendation 3. in its entirety and renumber the remaining Recommendations accordingly."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

Report of the Manager of Planning and Land Use
That the report of the Manger of Planning and Land Use dated March 31, 2008 be amended as follows:

- Amend Recommendation 2. A. iv. by deleting the words "except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit."

Report - Standing Policy Committee on Property and Development - April 29, 2008

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

Report of the Administrative Coordinating Group of Planning and Land Use
That the report of the Administrative Coordinating Group dated April 2, 2008 be amended as follows:

- Delete Recommendation 3. in its entirety and renumber the remaining Recommendations accordingly,

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 15 - 55 Rothwell Road**
File DASZ 7/2008]

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **April 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2008 The Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 7/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2008 dated March 31, 2008, 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 April 2, 2008**, *with the following amendment, namely:***

        i. Delete Recommendation 3. in its entirety and renumber the remaining Recommendations accordingly.

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 7/2008 dated March 31, 2008 to an "M2" Manufacturing - General District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant toSection 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 free-standing signage plans shall be submitted showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, exterior lighting and free-standing signage to the Director of Planning, Property and Development 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, any fencing located along the north and west property limits of Lot 1 shall be limited to a maximum height of 4 feet.

iii. That the following uses shall not be permitted on the land:
   a. Place of Worship
   b. Gallery / Museum
   c. Amusement Enterprise, Indoor
   d. Amusement Enterprise, Outdoor
   e. Drinking Establishment
   f. Restaurant
   g. Funeral Chapel or Mortuary
   h. Medical/Dental/Optical/Counselling Clinic
   i. Landscape or Garden Supplies
   j. Auto/Light Truck/Motorcycle, Sales and Rental
   k. Drive-in or Drive Through

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

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

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.

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.

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

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. There is nothing wrong with this use.

2. It will provide a really nice looking building that will look very similar to what is across the street

3. We can always use the taxation.

PUBLIC HEARING SUMMARY

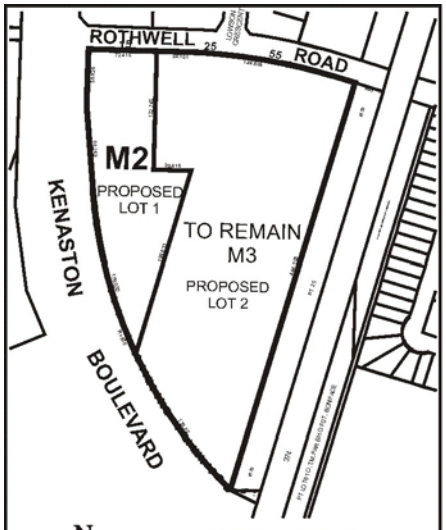
File: DASZ 7/2008

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Clement
Councillor Nordman

Public Hearing: April15, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Shindico Realty, (Bob Downs)

Subject:



APPLICANT : SHINDICO REALTY INC.
FILE : DASZ 7/08
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. Veitch, Planner at 986-7728.**

Premises Affected: 15 - 55 Rothwell Road

Exhibits Filed:

1. Application dated February 21, 2008
2. Notification of Public Hearing dated March 7, 2008
3. Title Search 1658860
4. Letter of authorization dated February 1, 2008 from 65055 Manitoba Ltd. to Shindico Realty Inc.
5. Plans (2 pages)
6. Report from the Administrative Coordinating Group dated April 2, 2008
7. Report from the Planning and Land Use Division dated March 31, 2008
8. Inspection Report
9. Drawings (4) of the subject property, submitted at the public hearing by John Pearson, Shindico Realty
10. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

John Pearson, Shindico Realty
Grant Hekle

In Opposition

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

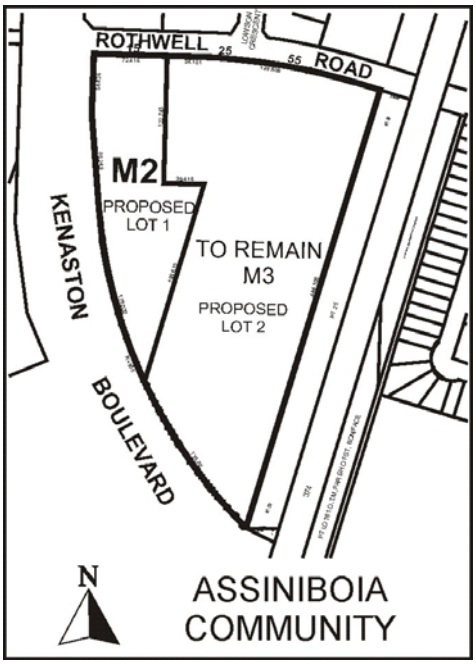
Exhibit "7" referred to in File DASZ 7/2008

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: March 31, 2008
File: **DASZ 7/08**
Related Files: N/A
Subject: To subdivide the existing lot into two lots and to rezone proposed Lot 1 from 'M3' Manufacturing - Heavy to 'M2' Manufacturing - General to allow for the establishment of an Office use on Proposed Lot 1.

Location: 15-55 Rothwell Road (Southeast corner of Kenaston & Rothwell)
Legal Description: PT Lot 1, Block 1, Plan 15811 EXC Kenaston Bv PL 35278



Applicant: Shindico Realty, (Mr. Bob Downs)

3062

Owner: 65055 Manitoba Ltd.

Recommendation: ***Approval with conditions***

Site Description

Existing Land Use and Zoning

The approximately 19.9 acre subject site is zoned 'M3' Manufacturing – Heavy and is occupied by Direct Transport, a transportation, distribution and warehousing trucking business. The site is designated Industrial in *Plan Winnipeg 2020* and is located within the Tuxedo Industrial Neighbourhood of the Assiniboia Community.

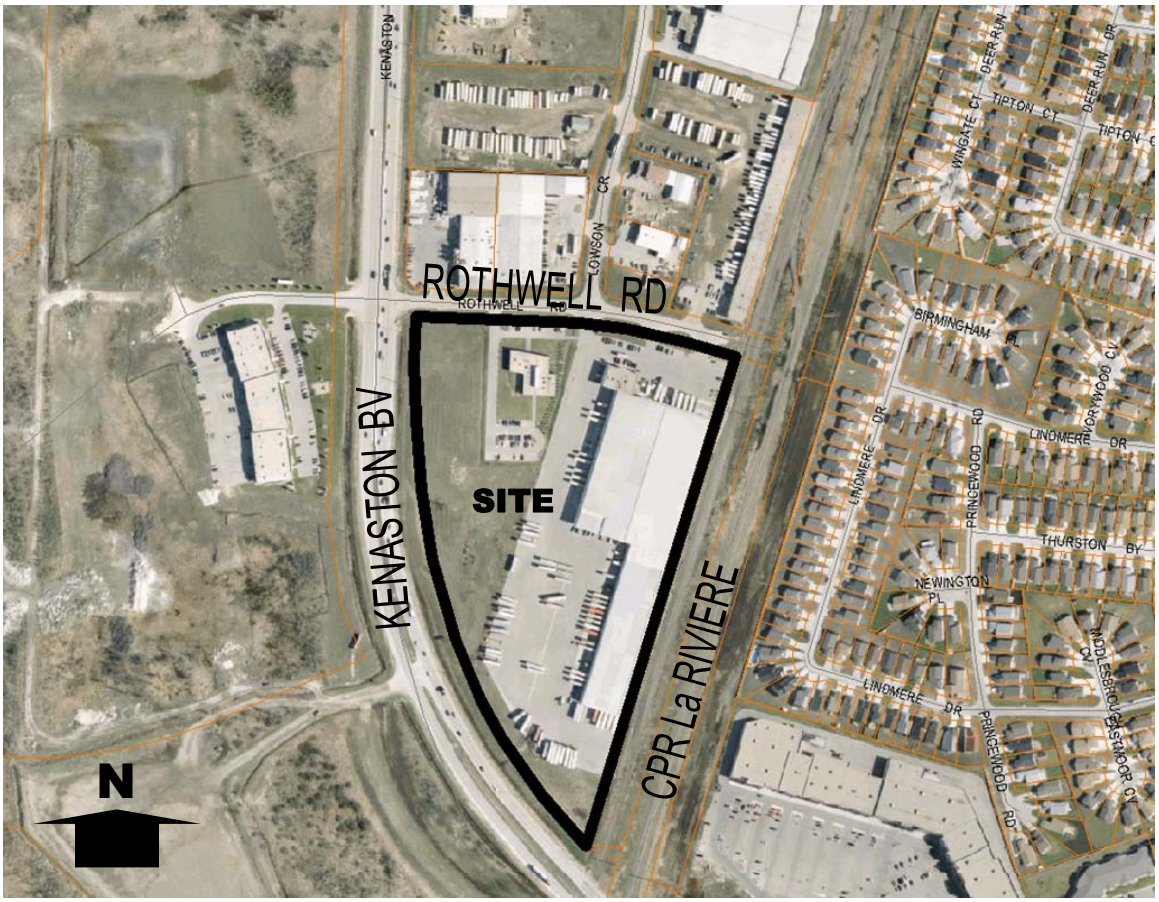


Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: Rothwell Road then 'M3' Manufacturing - Heavy
South: Kenaston Boulevard then 'C4' Regional Commercial
East: CPR La Riviere then 'R1-M' Single Family Residential
West: Kenaston Boulevard then 'MMU' Manufacturing Mixed-Use (Terracon)

Description of the Proposed Development
The applicant intends to subdivide the 19.9 acre subject site into two lots, rezoning Lot 1 to 'M2' Manufacturing – General from 'M3' Manufacturing – Heavy. Lot 1 will be approximately 4.96 acres in size with the proposed use being Office. Lot 2 will remain 'M3' Manufacturing – Heavy, the trucking business will continue to operate.

Analysis

PLAN WINNIPEG
The subject site is located in the Tuxedo Industrial area as designated in *Plan Winnipeg 2020*. Rezoning the property from 'M3' Manufacturing – Heavy to 'M2' Manufacturing – General to allow the establishment of an Office use is consistent with *Plan Winnipeg* Policies that speak to the ongoing stewardship and accommodation of uses in the City's existing Industrial areas.

COMPATIBILITY
The site, located at the south east corner of Kenaston Boulevard and Rothwell Road is adjacent to 'M3' Manufacturing – Heavy to the north and 'MMU' Manufacturing - Mixed Use to the west. The site is separated from the area designated by *Plan Winnipeg 2020* as Regional Commercial and Mixed Use Concentration to the south by the CPR La Riviere Rail Line. The rail line also provides separation from the Lindenwoods residential development to the east. The existing industrial uses in the area are a typically a mix of general manufacturing, distribution / warehousing and office uses. The proposed development of 15 – 55 Rothwell Road, adding the professional office, will fit well with the immediate context.

Kenaston Boulevard has seen significant development over the past decade, considerably changing the character of Kenaston Boulevard from McGillivray north to Sterling Lyon Parkway. Characterized by a wide range of both commercial and industrial development, this busy corridor has seen an emergence of a high level of development standards illustrated by quality architecture, sensitive site development, enhanced landscaping and generous setbacks. These recent developments are setting the stage for future development along Kenaston.

The proposed development of Lot 1 will be another opportunity to continue the high standard set by the Terracon Business Park, the First Pro and Hopewell Shopping Centres. As discussed previously with the applicant, the Planning and Land Use Division will be recommending a series of conditions in a Zoning Agreement to encourage the maintenance of the quality development and compatible uses along this portion of Kenaston Boulevard.

It has to be emphasized that this section of Kenaston Boulevard is strictly industrial in character, zoning and as designated by *Plan Winnipeg 2020.* The Planning and Land Use Division does not want to see commercial and personal service uses migrating away form the area of commercial concentration to the south. The infiltration of commercial and personal service uses into this predominantly industrial area will have a negative effect on the compatibility of existing uses, traffic patterns, land prices and lease rates. This infiltration process tends to degrade the stability of industrial areas over time often culminating in an overall loss to our existing industrial land base. Therefore we are recommending that several uses permitted in the 'M2' Manufacturing –

General be restricted on this site bringing it more in-line with the 'M3' Manufacturing – Heavy zone.

TRANSPORTATION AND SITE ACCESS
The subject site fronts onto both Kenaston Boulevard and Rothwell Road. Kenaston is a major arterial roadway and is within Schedule 1 of the Private Approaches By-Law, the development of new private approaches off Kenaston Boulevard is thus restricted. We informed the applicant of this situation in our preliminary meetings. Their conceptual site plans submitted indicate that the new access to proposed Lot 1 will be taken off of Rothwell Road and not Kenaston Boulevard.

SERVICING
The Administrative Coordinating Group has reviewed the file and will be submitting a report on the servicing, dedication and levies as required.

Recommendation

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

- The proposal is consistent with *Plan Winnipeg 2020*,
- The proposed Office use is compatible with the context,
- The architecture and site development will be of a high standard in-keeping with recent projects along, and the future vision of this section of Kenaston Boulevard.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 7/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2008 dated March 31, 2008, 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 April 2, 2008

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 7/2008 dated March 31, 2008 to an 'M2' Manufacturing – General 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 free-standing signage plans shall be submitted showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, exterior lighting and free-standing signage to the Director of Planning, Property and Development 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, any fencing located along the north and west property limits of Lot 1 shall be limited to a maximum height of 4 feet.

iii. That Lot 1 provide a minimum 20 foot landscaped setback along the west property limit,

iv. That the following uses shall not be permitted on the land:

a. Place of Worship
b. Gallery / Museum
c. Amusement Enterprise, Indoor
d. Amusement Enterprise, Outdoor
e. Drinking Establishment
f. Restaurant
g. Funeral Chapel or Mortuary
h. Medical/Dental/Optical/Counselling Clinic
i. Landscape or Garden Supplies
j. Auto/Light Truck/Motorcycle, Sales and Rental
k. Drive-in or Drive Through

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

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 execution by the City of Winnipeg of the Servicing/Development Agreement.

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.

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: James Veitch
PPD File # DASZ 7/2008

Schedule "A"

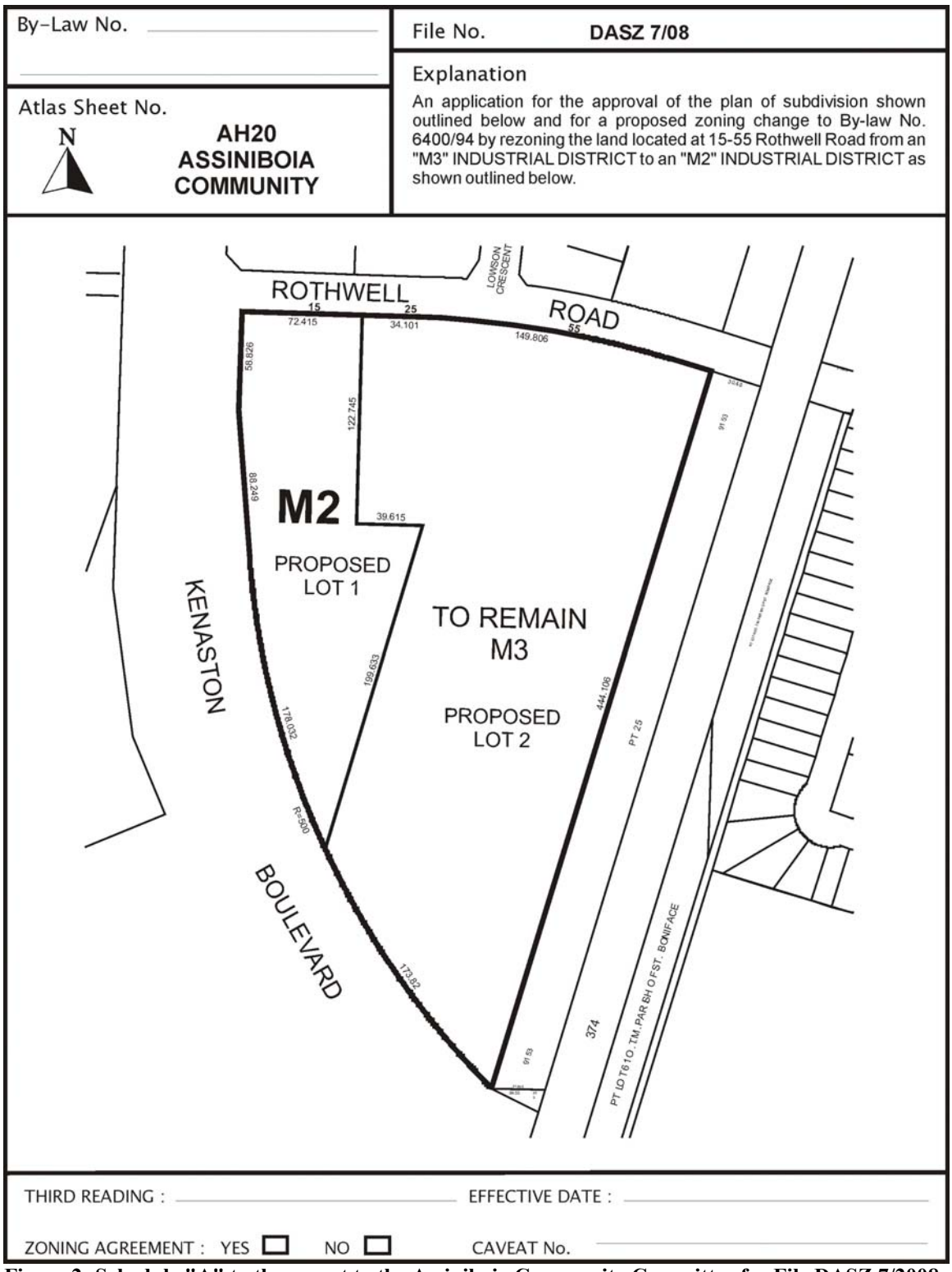


Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File DASZ 7/2008, dated March 31, 2008.

Exhibit "6" referred to in File DASZ 7/2008

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

RE: PROPOSED SUBDIVSION AND REZONING OF LAND LOCATED AT 15-55 ROTHWELL ROAD – DASZ 7/08

FOR SUBMISSION TO THE CHAIR AND MEMBERS OF THE ASSINIBOIA COMMUNITY COMMITTEE

S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

April 2, 2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND LOCATED AT 15-55 ROTHWELL ROAD – DASZ 7/08

An application has been submitted by Shindico Realty Inc. to subdivide and rezone the land at 15-55 Rothwell Road to create two lots to permit the construction of an office building.

Council previously approved an application for subdivision of this land under DASZ 23/98, but the application did not proceed. Under that application, the Developer was required to install a wastewater sewer and a watermain in Rothwell Road, and to pay 25% of the cost of the traffic control signals at the Rothwell Road/Kenaston Boulevard intersection.

Development Agreement AG 539/99 (Tuxedo Business Park) also contemplated a requirement for the Developer to pay 25% of the cost of the traffic control signals at the Rothwell Road/Kenaston Boulevard intersection.

A watermain has since been installed, by others, in Rothwell Road.

It is recommended that approval of this application be subject to the applicant entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, extend the wastewater sewer in Rothwell Road from Lowson Crescent to serve the proposed Lot 1.

2. The Developer shall pay its share of the watermain installed by others in Rothwell Road as determined by, and to the satisfaction of, the Director of Water & Waste.

3. The Developer shall pay its share (25%) of the traffic control signals at the Rothwell Road/Kenaston Boulevard intersection, as determined by the Director of Public Works.

4. Access to the site shall be from Rothwell Road only. No approaches shall be permitted off Kenaston Boulevard.

5. The Developer shall pay the full cost of the engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

6. The Developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 7/08
April 2, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by T.S. Josephson"
T. S. Josephson, P. Eng.
Water & Waste Department