Minute No. 397
Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 11 Rezoning - 0 Chester Street (City-owned Lands Immediately South of 4 Chester Street)
(Elmwood-East Kildonan Ward)
File DAZ 205/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2008 dated June 2, 2008, to an "M3" Industrial District, subject to the following:

   A. That the applicant be required to submit a detailed site plan showing the location and design of fencing, landscaping berms and trees, to the East Kildonan-Transcona Community Committee for plan approval, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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.

3. 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.

4. 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 (3) readings.

5. 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.

Minutes - Executive Policy Committee - July 9, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- Amend Recommendation 1. by adding the following after the words "Industrial District":

  subject to the following:

  A. That the applicant be required to submit a detailed site plan showing the location and design of fencing, landscaping berms and trees, to the East Kildonan-Transcona Community Committee for plan approval, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development,

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

RE: **Rezoning – 0 Chester Street**
(City-owned Lands Immediately South of 4 Chester Street)
File DAZ 205/2008

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

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 12, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2008, the East Kildonan-Transcona 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2008 dated June 2, 2008, to an "M3" Industrial District, ***subject to the following:***

   A. That the applicant be required to submit a detailed site plan showing the location and design of fencing, landscaping berms and trees, to the East Kildonan-Transcona Community Committee for plan approval, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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5. 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 reason for its recommendation:

1. The "M3" Manufacturing Heavy District zoning is compatible with the area.

PUBLIC HEARING SUMMARY

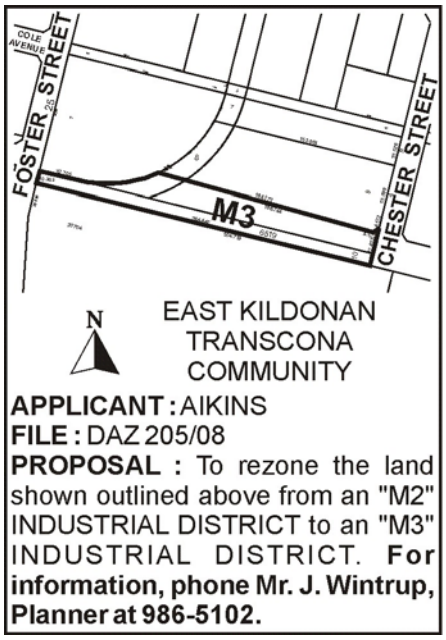
File: DAZ 205/2008

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

Public Hearing: June 9, 2008
755 Henderson Highway

Applicant: Aikins, MacAulay & Thorvaldson (Larry Crane)

Subject:



Premises Affected: 0 Chester Street
(City-owned land immediately south of 4 Chester Street)

Exhibits Filed:

1. Application dated April 4, 2008
2. Notification of Public Hearing dated April 10, 2008
3. Title Search 1658259
4. Letter of authorization dated February 28, 2008 from the City of Winnipeg to Cas Santos Properties Ltd., or their solicitor,Larry Crane
5. Sketch Plans A, B and C (3 pages)
6. Report from the Planning and Land Use Division dated June 2, 2008
7. Inspection Report
8. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

John Santos, Northstar/Fairmont Plating

In Opposition:

Nil

For Information:

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 205/2008

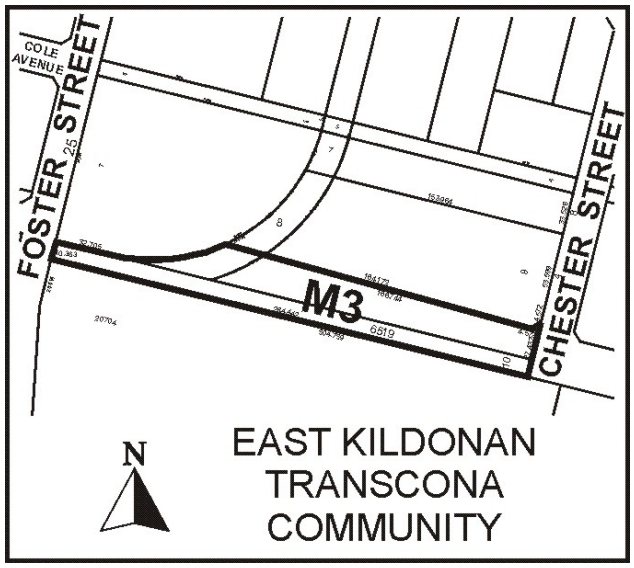
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 2, 2008**
File: DAZ 205 /2008
Related Files:
Subject: **Rezone land to allow a wrecking and salvage yard.**

Location: **Chester Street**
Legal Description: PT LOT 8/9 BLOCK 7 PLAN 6519 69/71 ST B LYING S OF A STRAIGHT LINE DRAWN FROM A POINT IN THE E LIMIT OF FOSTER ST DIST NLY THEREON 115 FROM THE S LIMIT OF SAID PARISH LOT 71 TO A POINT IN THE W LIMIT OF GREEN NOW LONDON ST DIST NLY THEREON 90 FROM S LIMIT OF SAID PARISH LOT 71 LOT 10



Applicant: **Aikins, Macaulay, & Thorvaldson (Larry Crane)**
30th Floor, 360 Main Street R3C 4G1

Owner: **City of Winnipeg**

Recommendation: **Approve**

Report Summary:

- The land is part of the former Elmwood Landfill Site No. 27 owned by the City of Winnipeg with one (1) methane gas detector on-site.
- The applicant would like to maintain a wrecking and salvage yard for the outside storage of salvaged automobiles and automobile parts.
- The proposed M3 lands are 690 feet away from the nearest residential dwelling (north side of Nairn Avenue).
- The lands to the south for 1,300 feet (400 metres) to Mission Street is zoned M3 Industrial.
- The Planning and Land-Use Division supports the rezoning application.

Site Description

The subject property is approximately **1.8 acres** located on the west side of Chester Avenue (east side of Foster Street) in the Tyne-Tees neighbourhood of the Elmwood - East Kildonan Ward. The site is zoned **"M2" Manufacturing General District** and is occupied by a salvage yard for vehicles – no buildings. Adjacent lands include an automobile repair facility to the north zoned "M2"; and vacant land to the south zoned "M3". Surrounding uses include commercial uses north along Nairn Avenue zoned "C2"; commercial / industrial uses to the east across Foster Avenue zoned "C2".

Background

- The land is part of the former Elmwood Landfill Site No. 27 owned by the City of Winnipeg with one (1) methane gas detector on-site.
- The property will be required for the future Thomas Avenue Extension to Foster Street.
- The City of Winnipeg was first approached in April, 1999 by the adjacent land owner who expressed an interest in leasing the subject land.
- In October, 2007, The Planning, Property and Development Department discovered that the land was being used without formal agreement.
- Application to lease the subject land was formally made subject to the rezoning application to allow the use.

PROCESS
Section 45 of Winnipeg Zoning By-law 200/2006 states:

> *Where a development application has been submitted for any type of approval required by the Development Procedures By-law, but no final action had been taken by the appropriate decision-making body on such application prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with either the provisions of the By-law in place on the date of submittal or the provisions of this By-law, at the applicant's option.*

The applicant chose for this proposal to be reviewed and considered in accordance with the provisions of The City of Winnipeg Zoning By-law 6400/94.

If the proposed rezoning is approved by Council, the land will reflect the M3 Manufacturing Heavy District under Winnipeg Zoning By-law 200/2006.

Description of the Proposed Development
The applicant would like to maintain a wrecking and salvage yard for the outside storage of salvaged automobiles and automobile parts.

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

ZONING (by-law 200/06)

- **M2 Manufacturing General District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. There is a minimum front yard of 25 feet; and maximum building height of 100 feet.

- **M3 Manufacturing Heavy District** is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties. There is a minimum front yard of 25 feet; and maximum building height of 150 feet.

ZONING (by-law 6400/94)

- The **"M2" Industrial District** allows for some limited outside operations in addition to storage with 152 Permitted Uses and 38 Conditional Uses. The uses include Bank, Cocktail Lounge, Manufacturing, Gas Station, 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 and Poultry Slaughtering and Packing, and Sewage Treatment Plant.

LAND USE BY-LAW ISSUES

There are differences between "M2" and "M3" Industrial Zones.

- An "M2" zoning category generally allows a few additional uses as permitted and conditional, which are not permitted in "M3".
- The 'M2' uses are generally land-uses that are contained within a building with storage occurring outside.
- The M3 land-uses are generally outside and/or within a building that discharges sounds / sights.
- The type of uses allowed in "M3" can generally be characterized as being the stinky and loud industrial uses that have the potential to being the most impacting on the quality of life for residents in a community.
- New M3 zone districts should not be established within 300 feet of an existing residential zone district.

COMPATIBILITY WITH SURROUNDING USES

- The proposed M3 lands are 690 feet away from the nearest residential dwelling (north side of Nairn Avenue).
- The lands to the south for 1,300 feet (400 metres) to Mission Street is zoned M3 Industrial.

Recommendation

The Planning and Land-Use Division supports the rezoning application. The zoning will reflect an existing on-ground condition of an outside storage facility for salvage vehicles that has been occurring for several years. The subject land is adjacent to M3 lands to the south: there are M2 and C2 commercial lands between the residential dwelling on Nairn and the subject lands.

As the City of Winnipeg is the land owner, a Zoning Agreement can not be attached as we can not make agreements with our selves. However, should the land be sold the Division would recommend that the type of uses permitted on the land be restricted to ensure future industrial uses continue to be compatible with the surrounding area (i.e. residential dwellings on the north side of Nairn Avenue). These uses are generally considered to be the intensive industrial users with associated sounds, smells and/or visual impacts that would be detrimental to the surrounding residents and commercial uses.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205 /2008 dated June 2, 2008, to a "M3" Industrial District.

2. 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.

3. 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.

4. 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 (3) readings.

5. 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 # DAZ 205/2008

Schedule "A"

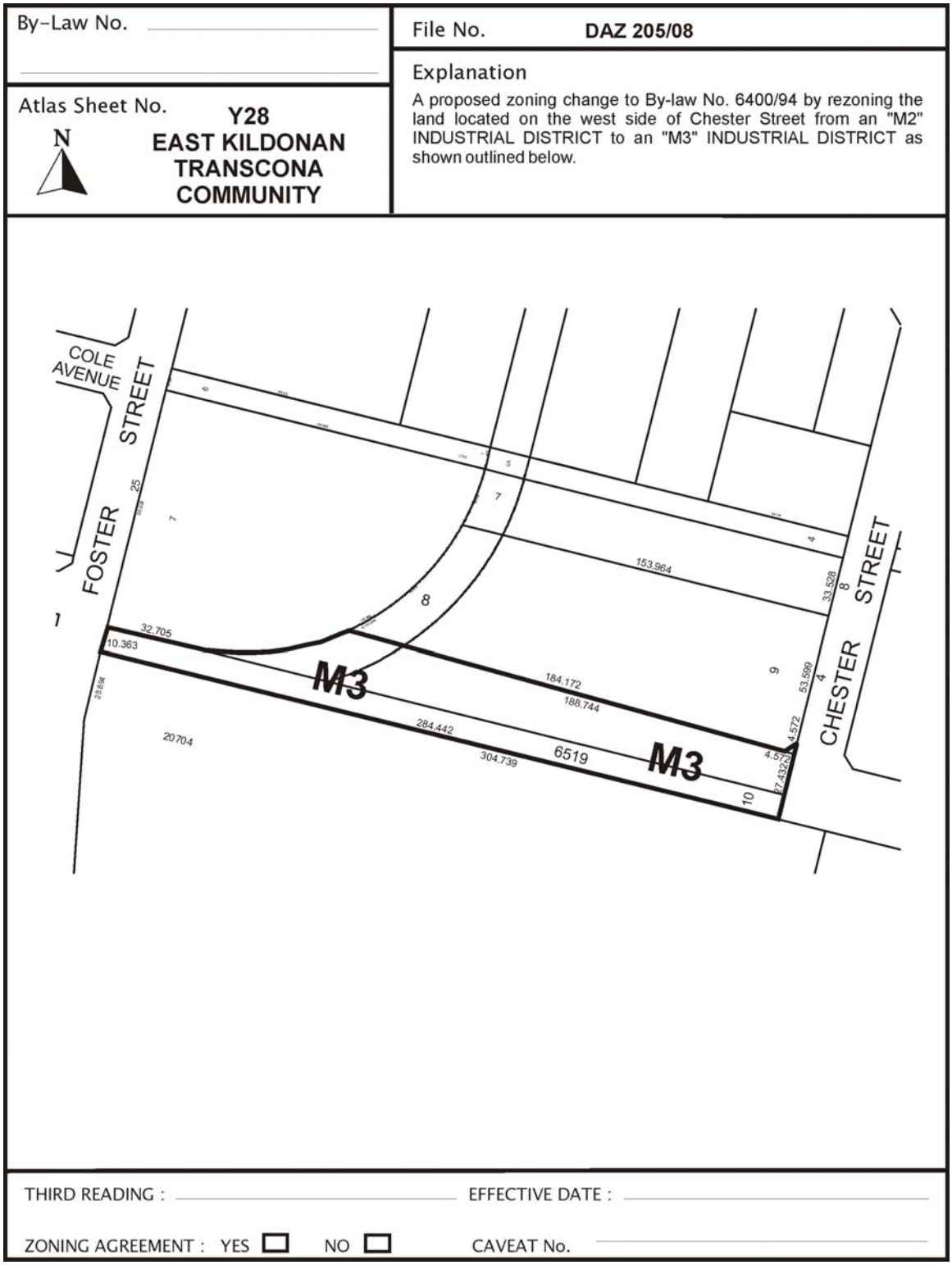


Figure 1: Schedule "A" to the report to the East Kildonan-Transcona Community Committee for File DAZ 205/2008, dated June 2, 2008.

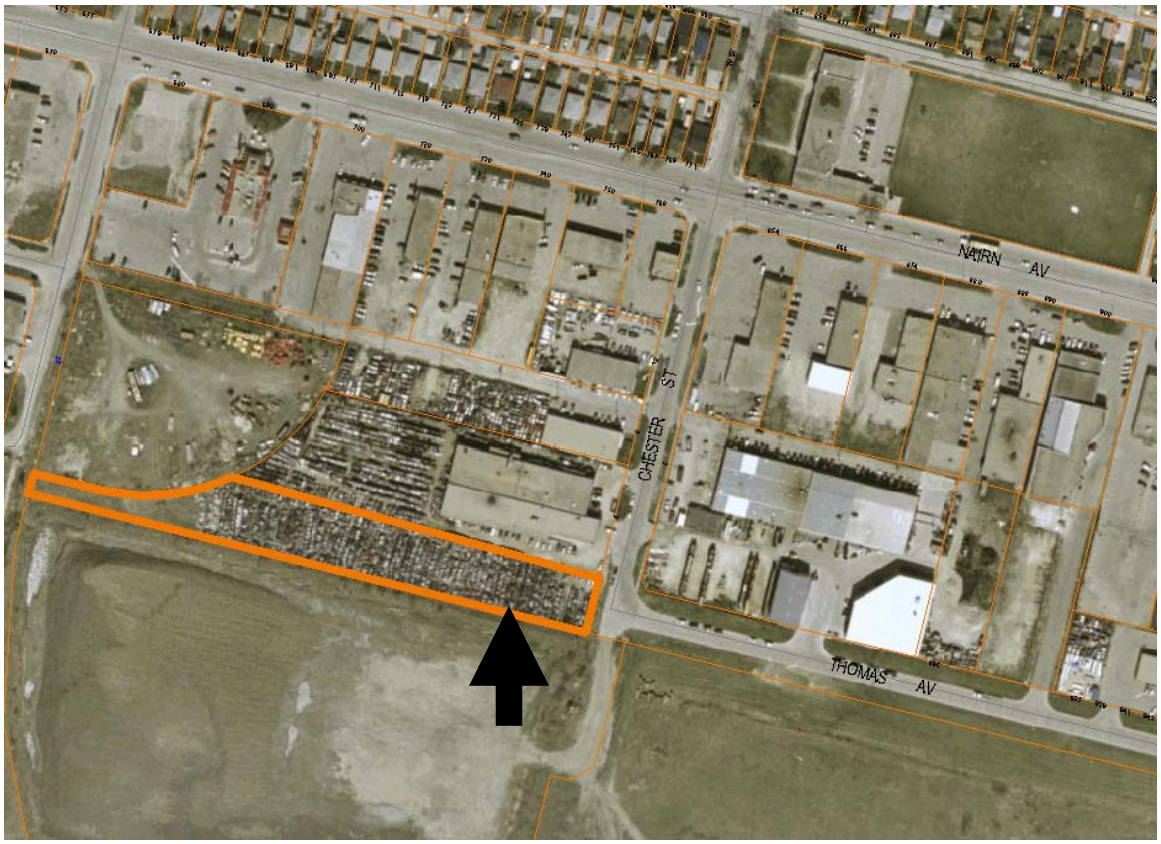


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

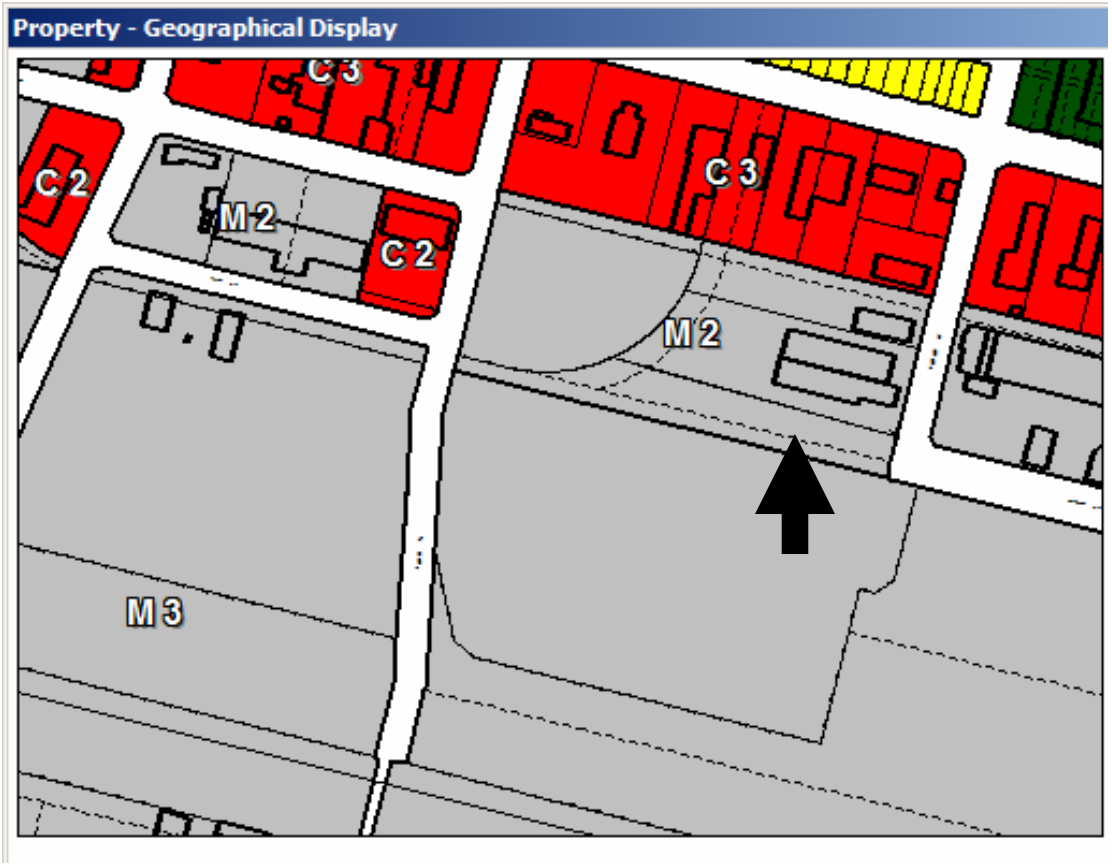
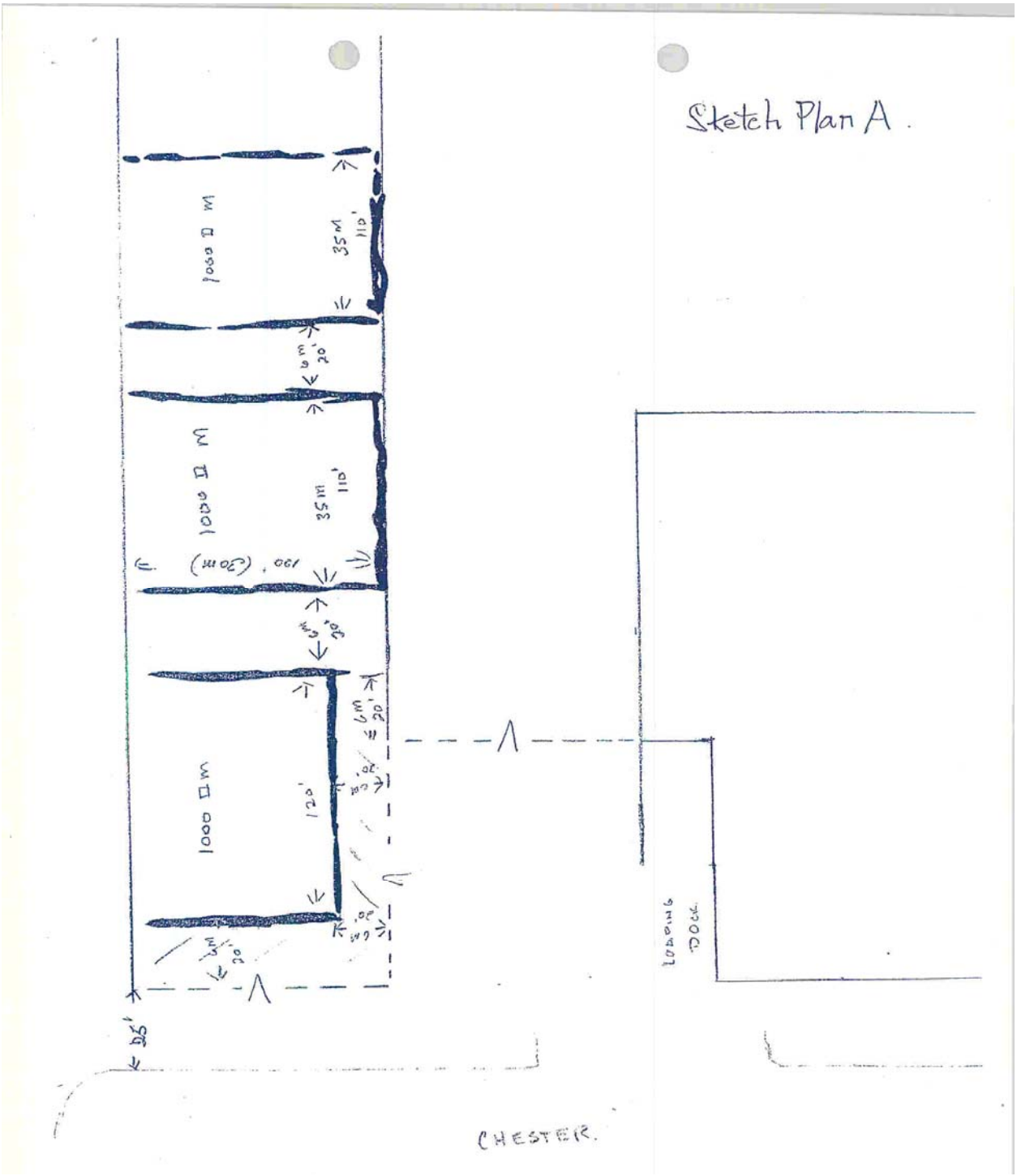
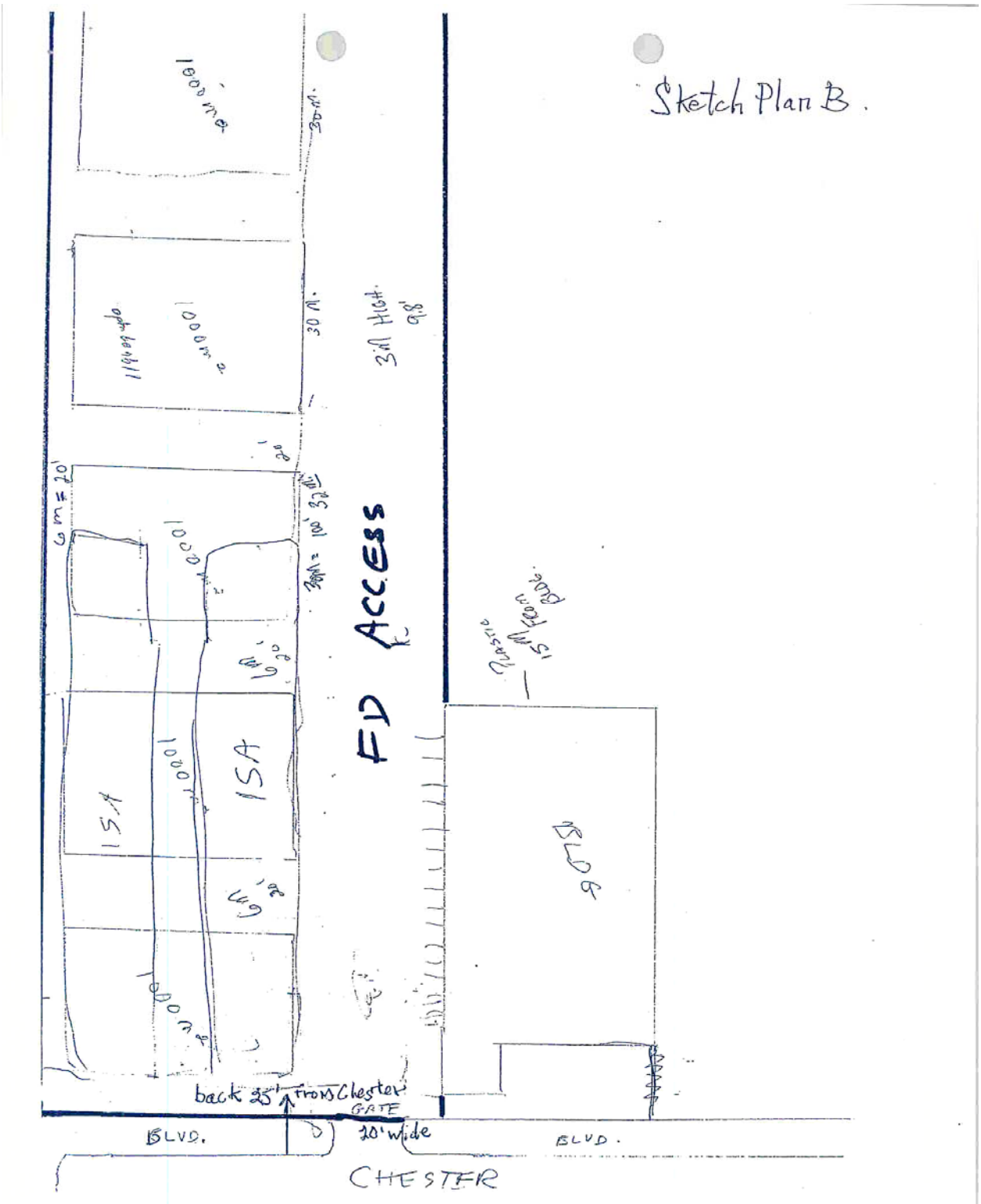


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “5” referred to in File DAZ 205/2008


Sketch Plan A.
35M
110'
35M
110'
120'
20'
20'
20


Sketch Plan B.
FD ACCESS
ISA
ISA
BLDG
back 25' from Chester
GATE
20' wide
BLVD.
BLVD.
CHESTER

Sketch Plan C.

