Agenda - Council - July 16, 2008

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

Item No. 7 Subdivision and Rezoning - 1777 Brookside Boulevard (Point Douglas Ward) File DASZ 45/2007

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 DASZ 45/2007 dated February 1, 2008, to an "M1" 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, accessory parking area, outdoor storage 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, private approaches, garbage enclosures, outdoor storage, fencing, landscaping and 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 the mosquito control program, as outlined in attached Exhibit "12", be undertaken for the exterior tire storage area on the land, to the satisfaction of the City of Winnipeg Insect Control Branch.

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

2. That the plan of subdivision proposed under DASZ 45/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for DASZ 45/2007 dated February 1, 2008, for registration in the Winnipeg Land Titles Office.

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

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 That Caveat 1148519 be withdrawn as it affects Parcels "A, B, and C", Plan 38408.

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

6. 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.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 - June 24, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- That recommendation 1.A. ii. be deleted in its entirety and replaced with the following:

  "1.A. ii. That the mosquito control program, as outlined in attached Exhibit "12", be undertaken for the exterior tire storage area on the land, to the satisfaction of the City of Winnipeg Insect Control Branch."

- That in recommendation 1.A. iii. the words "advertising signs" be deleted in the first line,

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

On February 26, 2008, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 8, 2008 in accordance with the applicant's request.

RE: **Subdivision and Rezoning - 1777 Brookside Boulevard**
(Point Douglas Ward)
File DASZ 45/2007 [c/r DAV 102031/2008D]

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **April 11, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2008, the Lord Selkirk-West Kildonan 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 DASZ 45/2007 dated February 1, 2008, to an "M1" 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, accessory parking area, outdoor storage 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, private approaches, garbage enclosures, outdoor storage, fencing, landscaping and 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 the mosquito control program, as outlined in attached Exhibit "12", be undertaken for the exterior tire storage area on the land, to the satisfaction of the City of Winnipeg Insect Control Branch.

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

2. That the plan of subdivision proposed under DASZ 45/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for DASZ 45/2007 dated February 1, 2008, for registration in the Winnipeg Land Titles Office.

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 Caveat 1148519 be withdrawn as it affects Parcels "A, B, & C", Plan 38408.

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

6. 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.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the comments contained in the report from the Planning and Land Use Division dated February 1, 2008.

PUBLIC HEARING SUMMARY

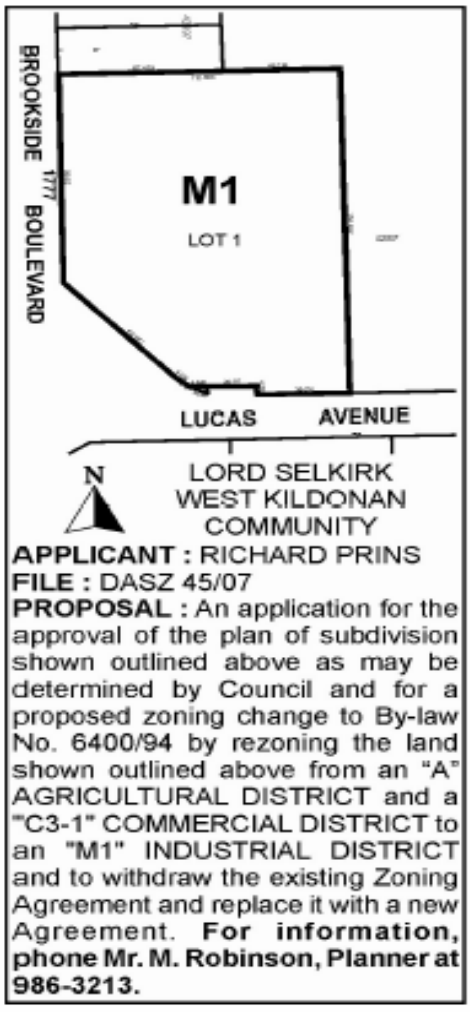
File: DASZ 45/2007 [c/r DAV 102031/2008D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: April 8, 2008
February 26, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Richard R. Prins

Subject:



Premises Affected: 1777 Brookside Boulevard

Exhibits Filed:

1. Application dated January 11, 2008
2. Notification of Public Hearing dated January 17, 2008
3. Manitoba Status of Titles 1724395, 1724399, 172440
4. Letter of authorization dated December 12, 2007 from Metropolitan Equities Limited, on behalf of Brookside Business Centre Inc., to Richard Prins, Architect
5. Surveyor's Building Location Certificate and sketch dated August 28, 1989
6. Drawing of subject property
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated February 1, 2008
9. Inspection Report
10. Communication dated February 26, 2008, from Joel M. Remis, Winnipeg Asset Manager, Metropolitan Equities Limited, requesting adjournment to April 2008
11. Audio Recording of representations of public hearing held on February 26, 2008
12. Communication dated March 11, 2008, from the applicant, Richard Prins, to the City Entomologist regarding the issue of exterior tire storage
13. Communication dated April 2, 2008 from the City Entomologist to the applicant, Richard Prins, in response to his communication dated March 11, 2008 (Exhibit 12)
14. Audio Recording of representations of public hearing held on April 8, 2008

REPRESENTATIONS:

In Support:

Richard Prins
Joel Remis

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 45/2007 [c/r DAV 102031/2007D]

Winnipeg

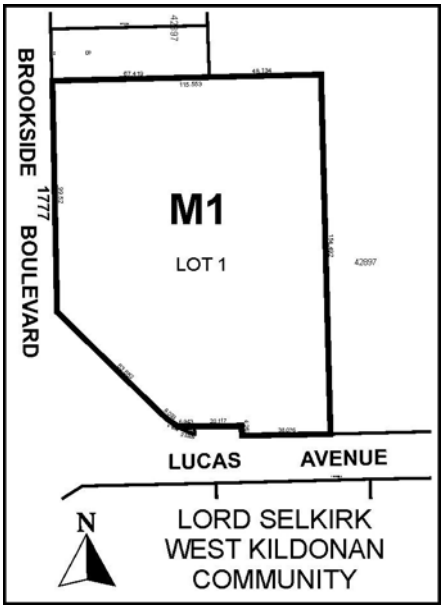
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **February 1, 2008**
File: **DASZ 45/07**
Related Files: **DAV 08-102031/D, DAV 1082/88, DAV 583/89, DAZ 266/86, DAPS 28/99, DASSF 580/91**

Subject: **Application to amend By-Law No. 6400/94 by rezoning the land shown below from a "C3-1" Highway Commercial District to an "M1" Industrial District.**

Location: **1777 Brookside Blvd.**



Applicant: **Richard R. Prins**
Owner: **Brookside Business Centre, Inc.**

Recommendation: **Approval, with conditions**

5126

Report Summary:

- The Highway Commercial District (C3-1/2) has been eliminated from the new Zoning By-Law, resulting in this use becoming non-conforming as of March 1, 2008
- The subject lands are located within an Industrial Policy Area
- There are a number of properties on Oak Point Highway/Brookside Boulevard which are zoned "M1" Industrial
- The Planning and Land Use Division recommends that this application be approved, with conditions
- There is a large buffer (±475 feet) between this site and the closest residences
- The Division is recommending that all outdoor storage be fully screened with an opaque fence and that no outdoor storage of tires be permitted

Site Description

The subject property, which is currently zoned "C3"Highway Commercial, is located at the northeast corner of Brookside Boulevard and Lucas Avenue, in the Tyndall Park neighbourhood of the Point Douglas Ward.

North: Commercial use zoned "C3-1" Highway Commercial
South: Light industrial uses zoned "C3-1" Highway Commercial
East: Vacant land zoned "C3-1" Highway Commercial
West: Light industrial uses in the RM of Rosser

Description of the Proposed Development

A portion of the subject property, which is currently zoned "C3-1" will become an existing non-conforming use after March 1, 2008, due to unforeseen changes to the new Zoning By-Law. The balance of the site is zoned "A" Agricultural, and has limited development rights. For these reasons, the applicant is requesting a rezoning to "M1" Industrial in order to expand their existing tire retreading facility.

The proposed expansion will include a 1783.7 square meter addition to the existing building for warehousing, tire storage, and truck alignment. Additionally, a fenced compound area with exterior storage containers is proposed.

The site will continue to have two points of access (on Lucas and Brookside Boulevard) and loading will take place at the rear of the building.

Analysis

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within an Industrial Policy Area. Industrial Policy Areas are intended to include an area of concentrated industrial uses and supportive infrastructure with the possible inclusion of compatible commercial uses.

The proposed use is found to comply with Plan Winnipeg.

Compatibility

According to the applicant, the overall intensity of the operation is not increasing as a result of the proposed addition. Further to that, the proposed use has been in operation for some time, and has not had any complaints placed against it, with the City.

Moreover, there is a large separation (± 475 feet) between this site and the closest residences.

For these reasons, the Planning and Land Use Division believes that the proposed use is compatible with the surrounding area.

Transportation and Site Access

Access to the site will remain the same and loading will be located to the rear of the addition.

Site Design Issues

Outdoor Storage

Outdoor storage is currently not permitted under the "C3-1" District, although the applicant has been operating with outdoor storage for some time.

Under the "M1" District, limited outdoor storage is permitted.

With that said, the Division, while supporting the rezoning to "M1", recommends that outdoor storage of tires be prohibited and that outdoor storage be fully screened, to protect the visual amenities of the area for the significant residential population that lives just to the east.

Tire storage

The Division recommends that the outdoor storage of tires be prohibited on the site. According to various data reviewed by the Planning and Land Use Division, tires stored outdoors collect water and provide excellent conditions for the breeding of mosquitoes. Mosquitoes are well known carriers of various viral infections including West Nile Virus and other serious diseases. Recent findings show that water filled tires are an excellent incubator for mosquito eggs and results in hatching of mosquitoes up to 100 times faster than normal mosquito breeding sites. Two key reasons for this fast rate are:

- Tires retain the water longer due to the shape of the tire and that some inside areas of the tire shade continuously
- The tire will retain heat for long periods of time which speeds up the hatching process and growth of the larvae.

The best method to avoid this is to keep tires dry at all times – preferably in an enclosed building or enclosed storage trailers.

Incidentally, the City of Winnipeg's website recommends that tires be stored indoors as a preventative measure against larval development of mosquitoes.

Screening
The Division recommends that the applicant provide either of the following options to screen the proposed outdoor storage:

- A masonry wall along the Lucas Avenue side of the property
- An opaque fence (such as wood) with a 10 foot planting area in front of the fence and a mix of deciduous and ornamental trees planted tightly (±25 feet on centre)

Given that the storage area will be quite large and will contain several storage containers, the Division believes that screening is important to preserve the overall presentation of the property, from the public right-of-way.

Recommendation

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

- The Highway Commercial District (C3-1/2) has been eliminated from the new Zoning By-Law, resulting in this use becoming non-conforming as of March 1, 2008
- The subject lands are located within an Industrial Policy Area
- There are a number of properties on Oak Point Highway/Brookside Boulevard which are zoned "M1" Industrial
- There is a large buffer (±475 feet) between this site and the closest residences
- Provided that all outdoor storage is fully screened with an opaque fence and no outdoor storage of tires is permitted, the proposed rezoning is compatible with the area

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 45/2007 dated February 1, 2008, to an "M1" 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 , accessory parking area, outdoor storage 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, private approaches, garbage enclosures, outdoor storage, fencing, landscaping and 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 all tires shall be stored within a completely enclosed building or within an enclosed storage container.

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

2. That the plan of subdivision proposed under File DASZ 45/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2007 dated February 1, 2008, for registration in the Winnipeg Land Titles Office.

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 Caveat 1148519 be withdrawn as it affects Parcels "A, B, & C", Plan 38408,

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

6. 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.

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9. 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.

10. 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.

11. 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.

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13. 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: Michael Robinson, AICP
PPD File # DASZ 45/07

Schedule "A"

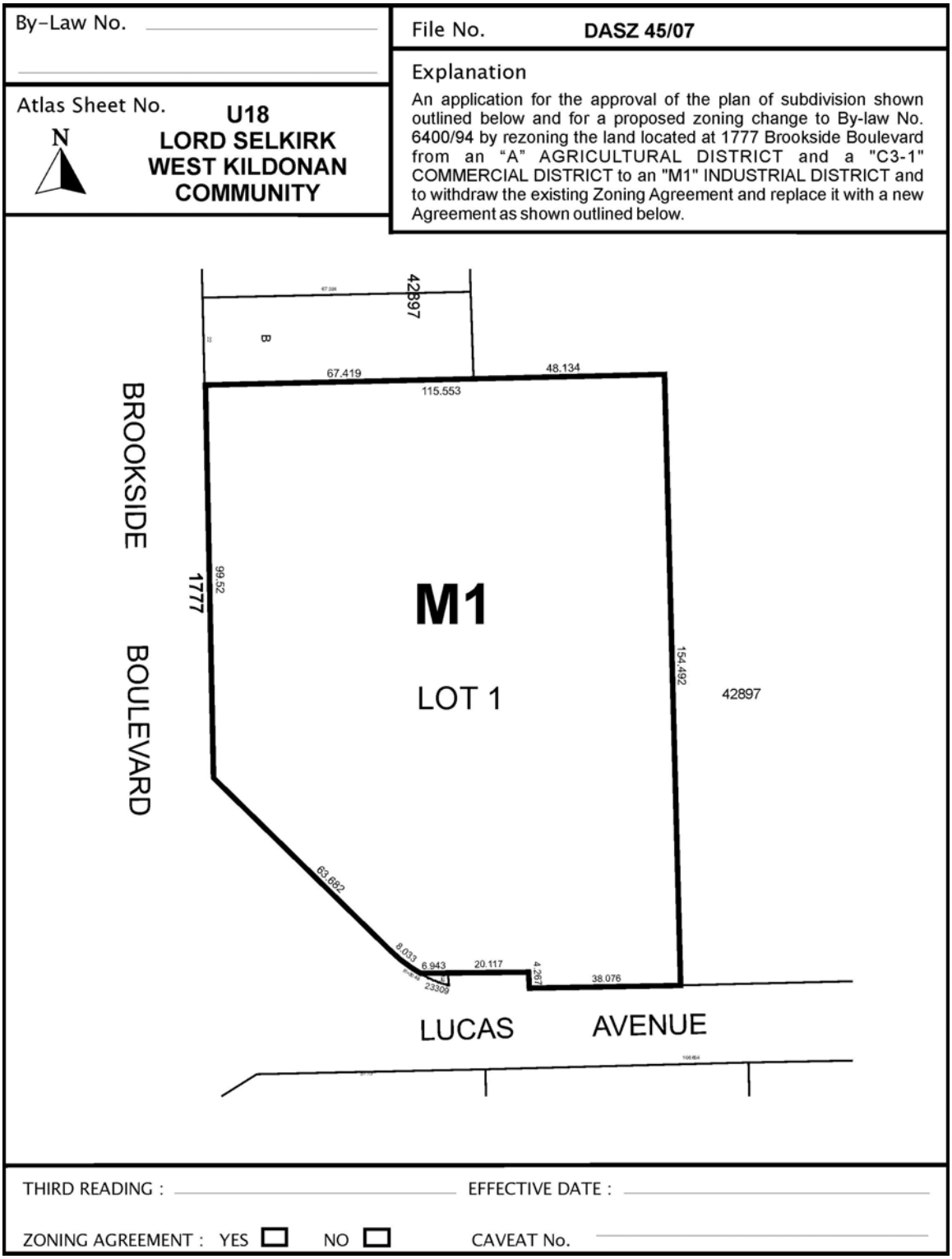

Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 45/2007, dated February 1, 2008.

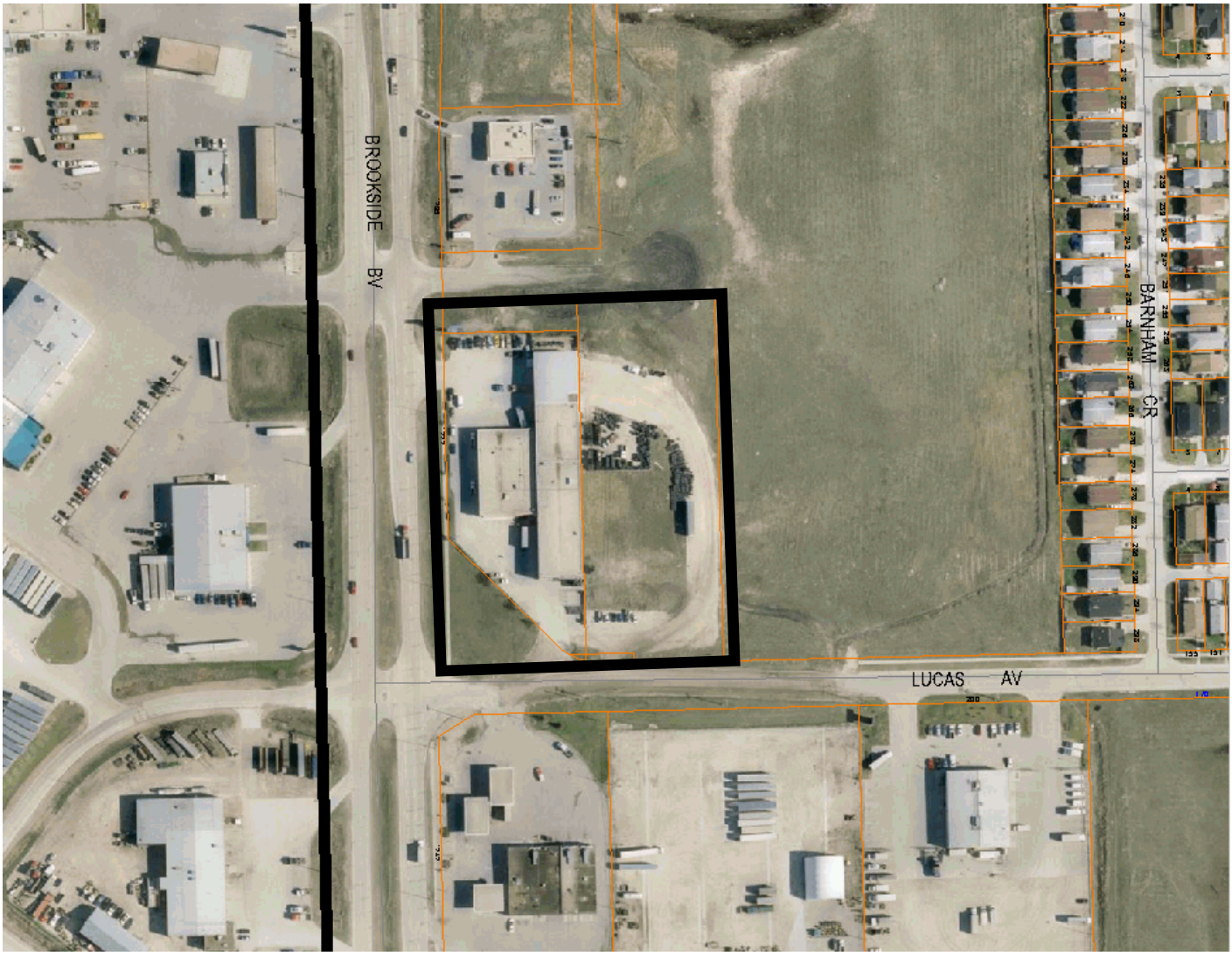

Figure 1: Aerial Photo (Flown in 2005)

Exhibit "12" referred to in File DASZ 45/2007 [c/r DAV 102031/2007D]

RICHARD R. PRINS
ARCHITECT

tel: 204 452 8774
fax: 204 453 3698
richardprinsarchitect@shawbiz.ca
100 Osborne Street Unit 205
Winnipeg Manitoba R3I 1Y5

3/11/08.

Taz Stuart, M.Sc., P.Biol.
City Entomologist
1539 Waverley St
Winnipeg, MB Ph. 204.986.3794

c/r DAV 102031/2008D-1

THIS IS EXHIBIT "12" REFERRED TO
IN FILE NO. DASZ 45/2007
DATED THIS 8 DAY OF MAY 2008
D. Timmins
CLERK

Re; DASZ 45/2007 DAV 10231/2008D
1777 Brookside Boulevard

Dear Sir,

As per our recent discussions, regarding the issue of exterior tire storage with this application for rezoning at the property of 1777 Brookside Boulevard, our tenant, Kal tire, is prepared to initiate the following insecticide program, as directed by your department, to ensure that all parties are protected from any health issues.

The following Program as identified would be initiated with the approval of your department

1. Exposed tires would be sprayed once every 20 days with the product , Altosid G, from May 15 Th. to august 15 Th. (3 months) by the Tenant Kal Tire or the owner's representative .

2. 5 applications per year in a yearly cycle would be completed to ensure compliance with mosquito control programs, conducted by the City of Winnipeg.

This insecticide program would remove all health concerns for the adjacent residential population and other commercial properties and abide by the intent of your approach for mosquito control on behalf of the City of Winnipeg.

Please confirm your approval of this insecticide program in writing, so that we may go on record at the rezoning meeting with this solution, that will allow all exterior tire storage to remain uncovered on a year around basis, providing that the mosquito control measures are adopted as outlined above.

Thank you. Please call should you have any other concerns

Sincerely yours,

Richard R. Prins M.A.A.,
Principal.

CC; Metropolitan Equities Joel Remis

Exhibit "13" referred to in File DASZ 45/2007 [c/r DAV 102031/2007D]

Winnipeg

COMMUNITY SERVICES DEPARTMENT · SERVICES COMMUNAUTAIRES

INSECT CONTROL BRANCH · DIRECTION DE LA LUTTE CONTRE LES INSECTES

April 2nd, 2008

Richard R Prins
100 Osborne St, Unit 206
Winnipeg, MB
R3I 1Y5

RE: 1777 Brookside Boulevard

Dear Sir,

As per your letter request dated March 11th, 2008 and per our recent discussions regarding 1777 Brookside Blvd rezoning, I am in agreement with the intent of the program points 1 & 2 with a minor amendment that the City of Winnipeg Insect Control Branch can randomly audit the site location to confirm that the application of Altosid G has occurred and is working effectively.

Conversely, I cannot provide you with the approval and the assurance you request from the third paragraph '…remove all health concerns for the adjacent residential population…' as all health concerns cannot be eliminated by single tire control program being initiated. This tire program will assist in reducing the vectors that can transmit West Nile virus but I cannot guarantee that all vectors will be eliminated from this site with this specific larval control program.

Therefore, I approve the program plan to be initiated by this location with the above mentioned comments being recognized and accepted.

If you have any questions or concerns do not hesitate to contact.

Thank you,

Taz Stuart, M.Sc., P.Biol.
City Entomologist
1539 Waverley St
Winnipeg, MB
R3Y 4V7
204.986.3794

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