Minute No. 42
Report - Standing Policy Committee on Property and Development - November 3, 2009

Item No. 4 **Rezoning – East side of Archibald Street between Cote and Deniset Streets**
(St. Boniface Ward)
File DAZ 212/2009

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 212/2009 be rejected.

Report - Standing Policy Committee on Property and Development - November 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development, that the application for rezoning under File DAZ 212/2009 be rejected, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 18, 2009, 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 November 3, 2009, 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 October 5, 2009, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 212/2009 be rejected.

RE: **Rezoning – East side of Archibald Street between Cote and Deniset Streets**
File DAZ 212/2009 [c/r DAV 145336/2009D]

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **October 6, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2009, 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 rezoning under File DAZ 212/2009 [c/r DAV 145336/2009D] be rejected.

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

1. The proposed use and rezoning would not be a good fit for the area.

PUBLIC HEARING SUMMARY

File: DAZ 212/2009 [c/r DAV 145336/2009D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: October 5, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Pollock and Wright (Jim Watling)

Subject:



APPLICANT: POLLOCK & WRIGHT
FILE: DAZ 212/09
PROPOSAL: To rezone the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the establishment of an outside storage facility for new vehicles. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : POLLOCK & WRIGHT
N° DE RÉFÉRENCE : DAZ 212/09
PROJET : Changer le zonage des sols délinéés ci-dessus afin de les faire passer de la catégorie R2 (secteur d'habitations bifamiliales) à la catégorie M2 (secteur manufacturier général) et permettre l'aménagement d'installations extérieures d'entreposage de nouveaux véhicules.. **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: East side of Archibald Street between Cote and Deniset Streets

Exhibits Filed:

1. Application dated August 17, 2009
2. Notification of Public Hearing dated August 31, 2009
3. Manitoba Status of Title 1526646
4. Letter of authorization dated August 11, 2009 from Jim Watling, Pollock and Wright to the City of Winnipeg
5. Plan
6. Report from the Planning and Land Use Division dated September 14, 2009
7. Inspection Report
8. Audio Recording of representations of public hearing held on October 5, 2009

REPRESENTATIONS:

In Support:
Ron Cancilla
Jim Watling

In Opposition
Helen and Alex Bodnaruk

For the City:
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 212/2009 [c/r DAV 145336/2009D]

ADMINISTRATIVE REPORT

ISSUE: DAZ 212/09 Archibald Street (east side between Cote and Deniset St.) Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

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AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2009 dated September 14, 2009, to an "M2" Manufacturing General District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the land be restricted as follows:

a. The following uses shall NOT be permitted on the land:

1. Kennel
2. Bus depot
3. Auction yard
4. Contractor's establishment
5. Heavy equipment sales, service, and rental
6. Freight or truck yard
7. Recycling plant

iii. That the maximum height of any buildings shall be no greater then 49 feet;

iv. That there shall be no advertising signs, 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;

iv. That no outdoor public address system shall be used within one hundred (100) feet (30.5 metres) of Archibald Street and shall be directed away from residential areas along Archibald Street;

v. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter 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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued after a Site Plan is approved by the Riel Community Committee.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

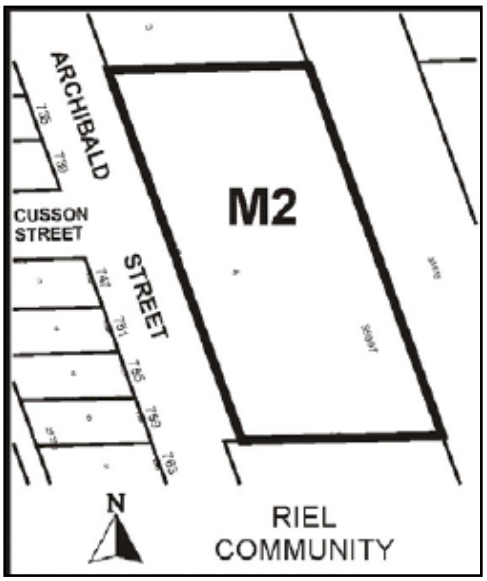
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Robert Kostiuk
Date:	September 14, 2009
File No.	DAZ 212/09
Appendix A	Administrative Report
Appendix B	Schedule “A”
Appendix C	Design Guidelines

APPENDIX 'A'

DATE: September 14, 2009
FILE: DAZ 212/09
RELATED FILES: DAV 09-145336D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.505

SUBJECT: To rezone the land from "R2" Residential Two Family to "M2" Manufacturing General to allow an outside storage area for new vehicles.

LOCATION: Archibald Street
LEGAL DESCRIPTION: LOT 4 PLAN 35097



APPLICANT: Jim Watling, Pollack and Wright Manitoba Land Surveyors
117 FORT ST.
WINNIPEG MB R3C 1C6

OWNER: THE CITY OF WINNIPEG

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject property is approximately **1.6 acres** located on the east side of Archibald Street, between Deniset Street and Cote Street in the Archwood neighbourhood of the St. Boniface Ward. The property lies within Plan Winnipeg's Industrial Land Use Policy Area and is zoned **"R2" Residential Two-Family.** The property is currently vacant with some mature tree cover (see Figure 1).



Figure 1: 2007 air photo of the subject property and surrounding area.

North: Immediately north of the subject property is City-owned property that is approximately 19,000 square feet in size and is zoned “C2” Commercial Community. North of this City-owned property is the Fort Garry Curling Club, which is also zoned “C2” Commercial Community. Properties north of the subject property are within Plan Winnipeg’s Industrial Land Use Policy Area. See Figure 2.



Figure 2: Street view north of subject property

South: The Holy Family R.C. Parish, which is zoned “R2” Residential Two Family. This property is also within Plan Winnipeg’s Industrial Land Use Policy Area. See Figure 3.



Figure 3: Street view south of subject property

East: A rail line owned by the Canadian Pacific Railway Company and zoned “M3” Manufacturing Heavy and vacant land that is also zoned “M3” Manufacturing Heavy. These properties are within Plan Winnipeg’s Industrial Land Use Policy Area. See Figure 4.



Figure 4: Street view of subject property (facing east)

West: Immediately west of the subject property are residences zoned “C1” Commercial Neighbourhood that face Archibald Street. West of these residences are more residences zoned “R2” Residential Two Family. All of these residences are within Plan Winnipeg’s Neighbourhood Land Use Policy Area. See Figure 5.



Figure 5: View of properties west of subject property.

BACKGROUND

- In March 1992, the City of Winnipeg acquired the subject property in a tax sale.
- The property was marketed (together with another City-owned property to the north) to the public in the winter of 2007/2008 with no acceptable offers being submitted. As a result, the City of Winnipeg continued to market the property.
- In July 2009, the City of Winnipeg approved the sale of the subject property to Cancilla Enterprises.
- One of the conditions of sale is to initiate a rezoning application to rezone the land to "M2" Manufacturing General.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant would like to establish an outside storage area for new vehicles on the subject property. The proposed outside storage would be approximately 72,400 square feet in size and would accommodate approximately 150 parking spaces for new vehicles on a gravel-surfaced parking area.

ANALYSIS

PLAN WINNIPEG COMPLIANCE

- The proposed rezoning complies with *Plan Winnipeg 2020.*

ZONING (BY-LAW 200/2006)

- **"R2" Residential Two Family District** is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. There is a front yard requirement of 20 feet and the maximum building height is 35 feet. The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).

- **"C1" Commercial Neighbourhood** is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local streets or at local/collector intersections. The maximum building height in the "C1" zone is 39 feet.

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. The maximum building height in the "C2" zone is 49 feet.

- **"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**. The maximum height for free-standing signs is twenty (20) feet above grade.

- **"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, particularily 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.

LAND USE BY-LAW ISSUES

- Outside storage is not a permitted use within the "R2" Residential Two Family District (the current zoning of the subject property).
- Outside storage is permitted with use specific standards within the "M2" Manufacturing General.
- A variance is required for the proposed gravel surfacing for the outside storage area.
- The variances 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.

NEIGHBOURHOOD COMPATIBILITY

- North and south of the subject property are neighbourhood amenities such as the Fort Garry Curling Club and the Holy Family R.C. Parish that are zoned "C2" Commercial Community District and "R2" Residential Two-Family District respectively.
- Single-family detached homes zoned "C1" Commercial Neighbourhood face the subject property from the west.
- Vacant land zoned "M3" Manufacturing Heavy borders the subject property to the east.

SITE DESIGN ISSUES

- The subject property faces existing single-family detached dwellings that are within Plan Winnipeg's Neighbourhood Land Use Policy Area and are zoned "C1" Commercial Neighbourhood.
- The original site plans submitted by the applicant did not meet the expectations or requirements of the Planning and Land Use Division.
- Given the immediate proximity to these homes and the Neighbourhood Land Use Policy Area, the Planning and Land Use Division recommends plan approval as a condition of approval to ensure that the outside storage area for new vehicles is designed, landscaped, lighted, fenced and screened, and surfaced in manner that will not cause a nuisance and/or detract from neighbouring views.
- The northern and southern extents of the subject property require landscaping as a buffer between the neighbouring properties.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10%. 'Cash in lieu' of land will be required under this development application.

RECOMMENDATION

The Planning and Land Use Division recommends **approval** for the following reasons:

- The application can act as an adequate buffer between residential and heavy industrial uses, provided that final plans come back to the Director of Planning, Property and Development and the Riel Community Committee for review to ensure that the design, landscaping, lighting, fencing and screening of the proposed development are of high quality.

- The Planning and Land Use Division recommends that a zoning agreement be entered into that will run with the land and provide additional assurance as to the types of future uses or developments that might occur on the site.
- Some uses permitted in the "M2" Manufacturing General zone proposed for the subject property are incompatible with the surrounding area due to the noise or potential nuisances that these uses can create. These uses are:
    - Kennel
    - Bus depot
    - Auction yard
    - Contractor's establishment
    - Heavy equipment sales, service, and rental
    - Freight or truck yard
    - Recycling plant
- The maximum permitted height for buildings in the "M2" zone (100 feet) is more than double the maximum permitted height for buildings in the "R2" zone (35 feet), the "C1" zone (39 feet), and the "C2" zone (49 feet). The Planning and Land Use Division recommends restricting the maximum permitted height on the subject property to 49 feet to ensure that the height of potential future development is compatible with the surrounding area.
- Outdoor public address systems are a concern for neighbouring property owners. The Division recommends restricting outdoor public address systems by establishing a minimum setback from Archibald and directed outdoor public address systems away from the neighbouring residences along Archibald Street.

- In compliance with the zoning agreement, the proposed development will not have an adverse impact on the adjoining properties.
- Conditions for plan approval will ensure future developments are compatible with the surrounding area.

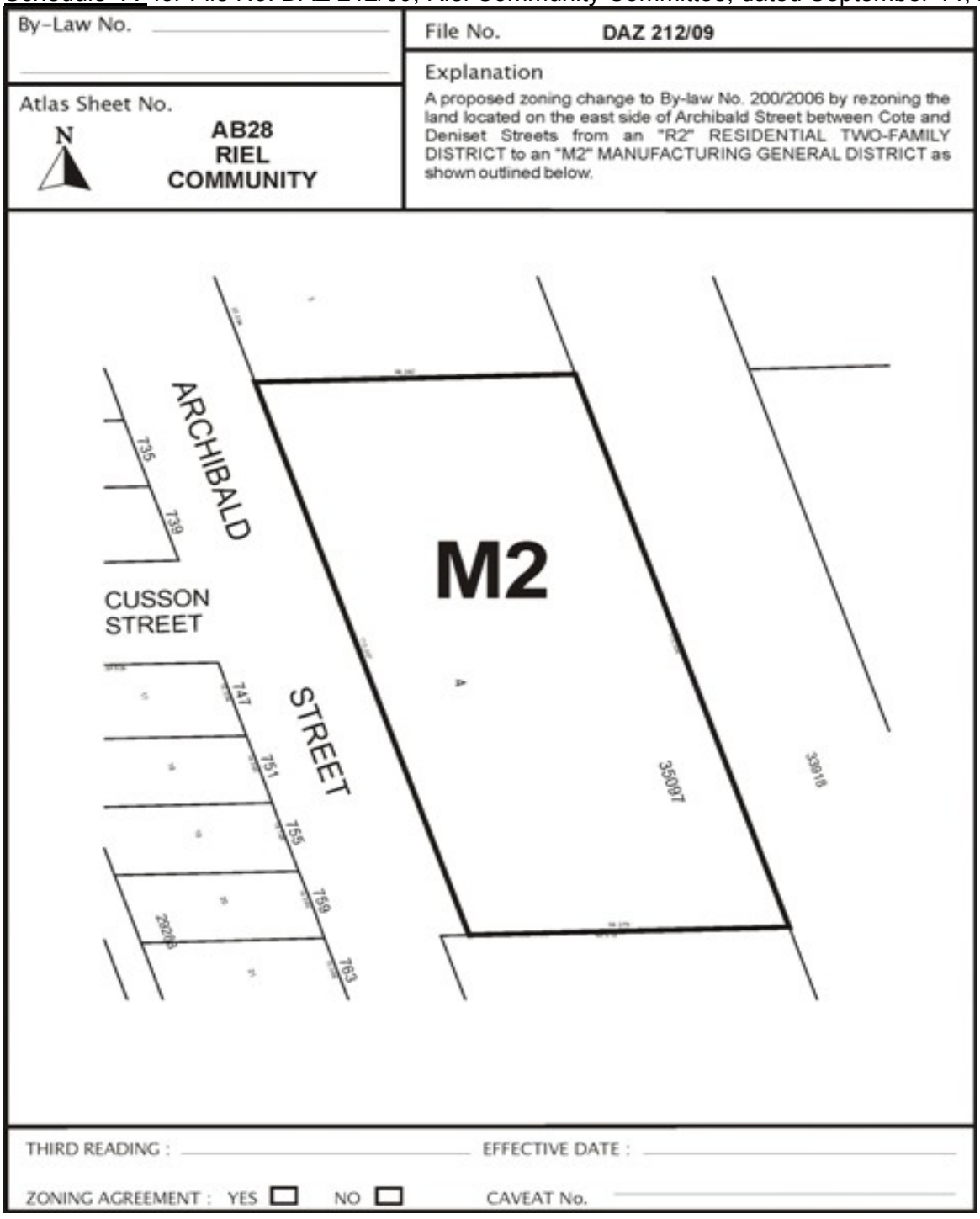
This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Robert Kostiuk
PPD File # DAZ 212/09

APPENDIX 'B'

SCHEDULE "A"

Schedule "A" for File No. DAZ 212/09, Riel Community Committee, dated September 14, 2009.



APPENDIX 'C'

Design Guidelines for Final Plan Approval for DAZ 212/2009 Archibald Street (east side between Cote and Deniset St.).

Landscaping
Landscaping is required to buffer the subject property from neighbouring views. A landscaping plan shall be submitted illustrating the following:

a) Street edge landscaping along the required front yard, that at minimum, meets the requirements of section 190(2) – (4) of the City of Winnipeg Zoning By-Law 200/2006. The street edge landscaping shall clearly demonstrate how neighbouring views from the single-family detached dwellings (located west of the subject property) will be buffered from the outside storage area.

b) Side and rear edge landscaping in accordance with section 190(7) of Zoning By-Law 200/2006. The subject property is heavily vegetated to the south with mature trees. The proposed development should retain as much existing tree coverage along the southern extent of the property as possible.

c) Existing trees that are located throughout the site that will not be cut-down as a result of the development of the outside storage area.

Fencing
High-quality fencing materials (ex. wrought iron) are required along the front and side yards of the subject property. Lower-quality fencing materials (ex. chain link) are permitted along the rear (east side of the property), as long as the materials and/or colour compliment the materials and/or colour used in the front and side yards of the property. Barbed wire or electric fencing shall not be permitted on the subject property.

Screening
The subject property shall be screened in accordance with section 197 and 198 of Zoning By-Law 200/2006.

Lighting
The applicant shall demonstrate that lighting plans for the subject property comply with sections 199 to 204, *Lighting* of Zoning By-Law 200/2006.

Surfacing
Surfacing requirements will be addressed in the variance process (file DAV 09-145336D).