Minute No. 26
Report – Executive Policy Committee – October 26, 2011

Item No. 1 **Rezoning– Snow Dump Road – Parcel 1, South of 1301 Kenaston Boulevard**
(Charleswood - Tuxedo Ward)
File DAZ 217/2011

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/2011 dated October 4, 2011, to a "MMU" Manufacturing Mixed Use district.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to The City of Winnipeg 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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – October 26, 2011

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 26, 2011, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted the matter to the Executive Policy Committee and Council.

RE: **Rezoning - Snow Dump Road – Parcel 1, South of 1301 Kenaston Boulevard**
File DAZ 217/2011

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **October 12, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/2011 dated October 4, 2011, to a "MMU" Manufacturing Mixed Use district.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to The City of Winnipeg 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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated October 4, 2011.

PUBLIC HEARING SUMMARY

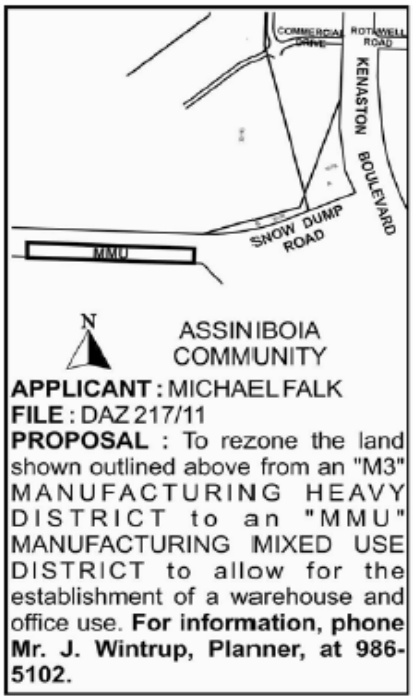
File: DAZ 217/2011

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

Public Hearing: October 11, 2011
West Committee Room
Council Building, 510 Main Street

Applicant: Michael Falk

Subject:



Premises Affected: Snow Dump Road – Parcel 1, South of 1301 Kenaston Boulevard

Exhibits Filed:
1. Application dated July 28, 2011
2. Notification of Public Hearing dated August 11, 2011
3a. Letter of authorization dated July 19, 2011 from The City of Winnipeg, to Michael Falk, Terracon Development Ltd.

3b.	Letter of authorization dated July 25, 2011 from Tuxedo Business Park Inc., to Michael Falk
4	Plans (3 pages)
5	Report from the Planning and Land Use Division dated October 4, 2011
6.	Inspection Report
7.	Communication dated October 11, 2011 submitted at the public hearing by Michael Falk
8.	Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Falk

In Opposition

Nil

For Information:

Nil

For the City:

N. Yauk, Planner, Planning, Property and Development Department
M. Pyl, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DAZ 217/2011

ADMINISTRATIVE REPORT

Title: DAZ 217/2011 – South of 1301 Kenaston Blvd

Issue: For consideration at the public hearing to rezone a former public ROW

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210/2011 dated October 4, 2011, to a "MMU" Manufacturing Mixed Use 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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to rezone the southern half of Parcel 1 to "MMU" to match the existing zoning to the north to be incorporated into the Terracon Business Park in order to accommodate a portion of a 45,000 sq. ft. office building. This land use is permitted under "MMU" but not "M3".
- The subject property was created as per DAC 8/2010. The former right-of-way was split-zoned because when a street is closed, the land assumes the same zoning as the adjacent properties. In this case, while the property adjacent to the north is zoned "MMU", the property adjacent to the south is zoned "M3"; therefore, the northern half of Parcel 1 is zoned "MMU" while the southern half is zoned "M3".

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be rezoned.

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	Michael Pyl
Date:	October 4, 2011
File No.	DAZ 217/11

APPENDIX 'A'

DATE: October 4, 2011
FILE: DAZ 217/2011
RELATED FILES: DAV 11-142746/C, DAC 8/2010
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 1.104

SUBJECT: To rezone the subject property from "M3" Manufacturing Heavy district to "MMU" Manufacturing Mixed Use district.

LOCATION: South of 1301 Kenaston Blvd (150 Commerce Dr)



APPLICANT: Michael Falk
1 Terracon Place
Winnipeg, MB R2J 4B3

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the southern half of Parcel 1 to "MMU" to match the existing zoning to the north to be incorporated into the Terracon Business Park in order to accommodate a portion of a 45,000 sq. ft. office building. This land use is permitted under "MMU" but not "M3".
- The subject property was created as per DAC 8/2010. The former right-of-way was split-zoned because when a street is closed, the land assumes the same zoning as the adjacent properties. In this case, while the property adjacent to the north is zoned "MMU", the property adjacent to the south is zoned "M3"; therefore, the northern half of Parcel 1 is zoned "MMU" while the southern half is zoned "M3".

SITE DESCRIPTION

- The subject property is located at the south terminus of Commerce Dr, west of Kenaston Blvd, in a former unopened public right-of-way in the Tuxedo Industrial neighbourhood of the Charleswood-Tuxedo ward.
- The subject property is 100 ft. deep and 1,071 ft. wide. It is currently vacant and is comprised of the south portion of Parcel 1, part of a former unopened public-right-of-way. It is currently zoned “M3” Manufacturing Heavy district. There is also a 32 ft. wide easement for a future sewer interceptor along the south property line.
- Adjacent properties include the Terracon business park to the north zoned “MMU” Manufacturing Mixed Use district, a large portion of undeveloped land comprising part of the Lafarge cement plant property to the south zoned “M3”, a City of Winnipeg snow dump site to the east, and vacant land that previously comprised part of the same former public right-of-way to the west split zoned “M3” and “MMU”.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The subject property is the southern half of Parcel 1, which was created as per DAC 8/2010.

- The City of Winnipeg Zoning By-law No. 200/06 does not apply to public right-of-ways; ergo, streets are not zoned. When a street is closed, the land assumes the same zoning as the adjacent properties. In this case, while the property adjacent to the north is zoned "MMU", the property adjacent to the south is zoned "M3"; therefore, the northern half of Parcel 1 is zoned "MMU" while the southern half is zoned "M3".
- The applicant is proposing to rezone the southern half of Parcel 1 to "MMU" to match the existing zoning to the north to be incorporated into the Terracon Business Park in order to accommodate a portion of a 45,000 sq. ft. office building. This land use is permitted under "MMU" but not "M3".

BACKGROUND

DAC 8/2010

- On March 23, 2011, Council approved a road closing report pertaining to a portion of the public right-of-way into Parcels 1 and 2 identified in Figure 2. Terracon Development was to purchase Parcel 1.
- As a condition of the road closing, Terracon was to provide the City of Winnipeg with a 32 ft. easement along the south property line for the future westerly extension from Kenaston Blvd of the regional wastewater interceptor sewer.

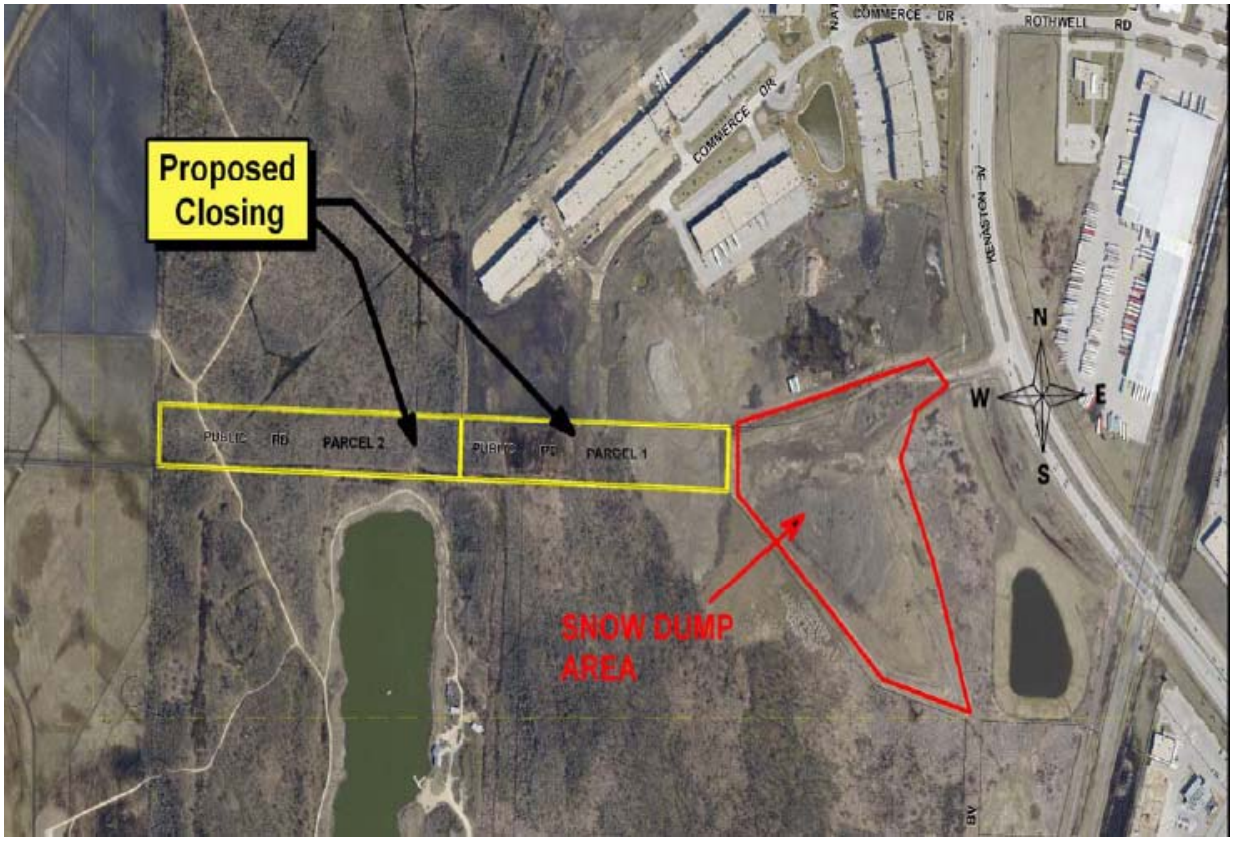


Figure 2: Illustration of DAC 8/2010 as provided in the Administration's report

DAV 11-142746/C 150 Commerce Dr

- On September 14, 2011, the Board of Adjustment approved a variance on Parcel 1 for the construction of a multi-tenant office/warehouse building to permit:
    - No south side yard instead of 15 feet.
    - No north side yard on the adjacent property to the south.
- It was approved subject to one condition:
    - That the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 217/2011.
- These yard variances were a function of the line in Parcel 1 where the portion zoned "MMU" abuts the portion zoned "M3". Where the proposed building crosses the split zoning line, a south side yard is required for the northern half of Parcel 1, and a north side yard is required for the southern half of Parcel 1.

Other applications

- *DAZ 215/2011:* In 2001, the front 15 acres of the Tuxedo Business Park were rezoned from "M3" to "M2" to allow for a broader range of uses. This rezoning was approved subject to the applicant entering into a zoning agreement that, among other things, restricted almost all commercial/retail uses.
- *Introduction of Zoning By-law No. 200/06:* When Zoning By-law No. 200/06 came into effect in March, 2008, the property was rezoned to "MMU".
- *ZAA 17/2008:* On November 19, 2008, Council approved a Zoning Agreement Amendment application to withdraw the conditions originally imposed upon the subject property by DAZ 215/2011.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Complete Communities envisions the transformation of Employment Lands from segregated, industrial areas into, "aesthetically pleasing, sustainable, mixed-use developments", facilitated by significant advancements in technology that have made the majority of current industrial uses much cleaner, quieter, and greener than they were in the past. The Terracon Business Park is designated as a "Business Park" in Complete Communities, which is most facilitative of this vision. Complete Communities enables Business Parks to accommodate light industrial, office, limited retail, limited personal service, limited manufacturing, warehouse, and planned residential uses.
- Further, adjacent to the south, is the "Tuxedo/Lafarge Lands" Major Redevelopment Site. Complete Communities defines Major Redevelopment Sites as areas that will, "provide transformative opportunities for the development of Complete Communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric". Also in close proximity to the subject

property is “Kenaston and McGillivray Area” Regional Mixed Use Centre. Regional Mixed Use Centres are also areas that are expected to evolve into areas with high residential densities, mixed uses, and a pedestrian-oriented urban form.

Zoning

- The Manufacturing Mixed Use (MMU) district is intended to provide linked commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial use areas, while allowing more flexibility of uses and requiring a higher standard of landscaping and design. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks, and limited retail/personal service storefronts. Supportive retail development, not including offices, would be allowed to a maximum of 35% of site area including any land needed by the supportive retail to satisfy parking requirements, yards/setbacks and development and design standards (e.g., landscaping). During build out, supportive retail shall not exceed 50% of built site area. MMU zone districts should generally include at least thirty-five (35) acres of contiguous land, or land that would be contiguous except for intervening rights-of-way.
- The Manufacturing Heavy (M3) 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. New M3 zone districts should not be established within 300 feet of an existing residential zone district.
- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional principal uses in each zoning district. The differences between the two zoning by-laws in regards to this are reflected in the definitions of each district. The “MMU” district permits more commercial-related activities, such as “Retail sales”, “Office”, “Supermarket”, and “Personal service” uses. The “M3” district, on the other hand, is intended to accommodate industrial uses with the largest and most significant impacts. While it restricts most of the aforementioned commercial-related uses of the “MMU” district, it allows heavy industrial uses such as “Contractor’s establishment”, “Heavy equipment sales, service, and rental”, “Heavy manufacturing”, and “Wrecking and salvage yard” uses.

RECOMMENDATION

The Planning and Land Use Division is supportive of the proposed rezoning, as it represents a very minor continuation of orderly development of the Terracon Business Park as well the implementation of Council’s vision for the land originally espoused by its sale of the property to Terracon. This vision is consistent with the vision of Complete Communities, which has identified neighbouring properties to evolve from heavy industrial uses to mixed use development.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: PPD File # DAZ 217/2011

APPENDIX 'B'

Schedule "A" for File No. DAZ 217/11, Assiniboia Community Committee, dated October 4, 2011.

By-Law No. _____

File No. **DAZ 217/11**

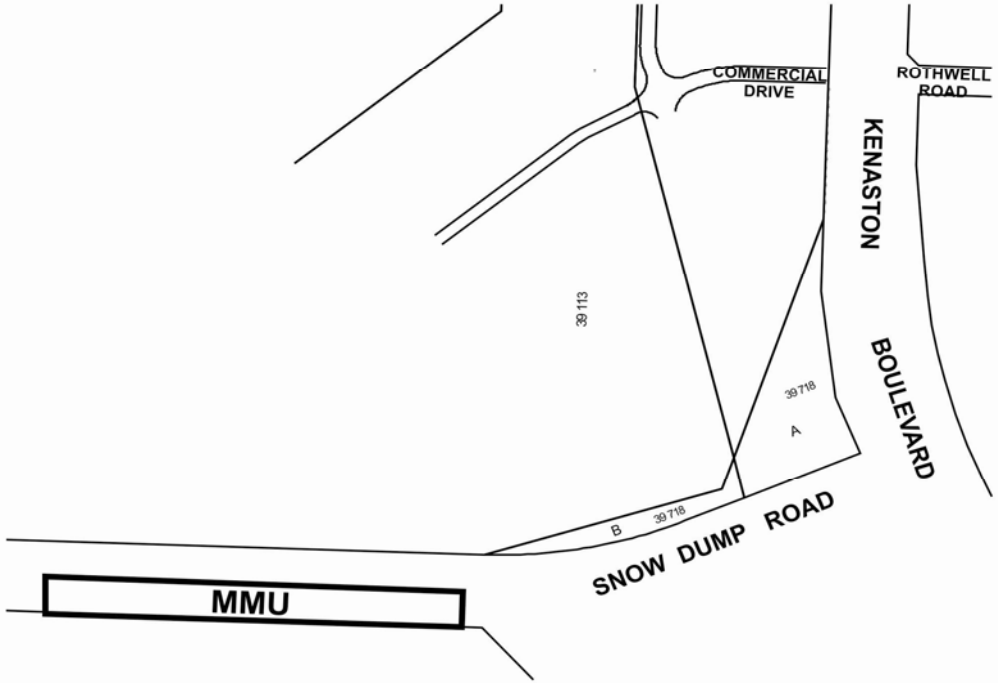
Atlas Sheet No.

N

AG19 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at the Snow Dump Road, immediately south of 1301 Kenaston Boulevard from an "M3" MANUFACTURING HEAVY DISTRICT to an "MMU" MANUFACTURING MIXED USE DISTRICT to allow for the establishment of a warehouse and office use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____