Minute No. 631
Report – Executive Policy Committee – October 10, 2012

Item No. 1 **Subdivision and Rezoning – 895/963 Mission Street, properties North of these Lots, Lot 6, Plan 39318**
(St. Boniface Ward)
File DASZ 20/2012

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 20/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2012 dated September 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2012 dated September 21, 2012 to an "M3" Manufacturing Heavy District.

3. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City-owned/rear portions of Parcels A, B, C, F, G, H and J shown as "City Property to be sold to Adjacent Owners" on Schedule 'B' attached, to the adjacent owners at market value established by an internal appraisal report.

4. 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.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

Report – Executive Policy Committee – October 10, 2012

COUNCIL DECISION (continued):

8. 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.

9. 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.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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 10, 2012

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 10, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 895/963 Mission Street, properties North of these Lots, Lot 6, Plan 39318**
(St. Boniface Ward)
File DASZ 20/2012

For submission to: **Executive Policy Committee**

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

Report date: **October 3, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel 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 plan of subdivision proposed under File DASZ 20/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2012 dated September 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2012 dated September 21, 2012 to an "M3" Manufacturing Heavy District.

3. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City-owned/rear portions of Parcels A, B, C, F, G, H and J shown as "City Property to be sold to Adjacent Owners" on Schedule 'B' attached, to the adjacent owners at market value established by an internal appraisal report.

4. 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.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

8. 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.

9. 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.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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 Riel Community Committee provided the following supporting reason(s) for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 21, 2012.

2. The proposed development is consistent with and will be beneficial to the community.

PUBLIC HEARING SUMMARY

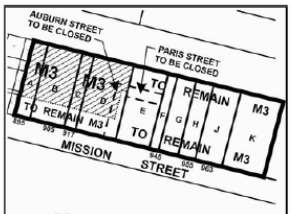
File: DASZ 20/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: October 1, 2012
Council Building, 510 Main Street

Applicant: City of Winnipeg
Planning, Property and Development Department

Subject:



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COMMUNITY

APPLICANT: CITY OF WINNIPEG, PLANNING, PROPERTY & DEVELOPMENT
FILE : DASZ 20/12
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. 200/2006 by rezoning the land shown outlined above from a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to an "M3" MANUFACTURING HEAVY DISTRICT. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : VILLE DE WINNIPEG ET SERVICE DE L'URBANISME, DES BIENS ET DE L'AMÉNAGEMENT
N° DE RÉFÉRENCE : DALZ 20/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories PR1 (SECTEUR DES PARCS ET DES LOISIRS 1 [QUARTIER]) à la catégorie M3 (SECTEUR MANUFACTURIER LOURD). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 895/963 Mission Street, properties North of these Lots, Lot 6, Plan 39318

Exhibits Filed:

1. Application dated August 3, 2012
2. Notification of Public Hearing dated August 15, 2012
3. Title Searchs 2460923/1, 2414281/1, 2382687/1, 1215839/1, 1215840/1, 1215841/1, 1215842/1, 1215843/1, 1215844/1, 1215845/1, 1215846/1, 1215847/1, 1215848/1, 1215849/1, 1215850/1, 1215851/1, 1215852/1, 1215860/1, 1215862/1, 1215863/1, 1215864/1, 1215865/1, 1215866/1, 1215867/1, 1215868/1, 1215869/1, 1215870/1, 1215871/1, 1215872/1, 1215873/1, 1215874/1, 1231394/1, 1788447/1, 1788448/1, 1788449/1, 1788471/1, 1817852/1, 1817853/1, 1832941/1, 2083420/1, 2281299/1, 2300654/1, 2344117/1
4. Letter of authorization dated February 20, 2009 from Delphine Lang to The City of Winnipeg
5. Letter of authorization dated February 20, 2009 from Benjamin and Suzanne Lang to The City of Winnipeg
6. Letter of authorization dated February 20, 2009 from Douglas Doucette to the City of Winnipeg
7. Letter of authorization dated February 20, 2009 from Bobby Lang to The City of Winnipeg
8. Letter of authorization dated February 20, 2009 from Helmut and Linda Groth to the City of Winnipeg
9. Site Plan
10. Plan
11. Report from the Planning and Land Use Division dated September 21, 2012
12. Inspection Report
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Barry Lucyk
Doug Doucette

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Systems, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 20/2012

ADMINISTRATIVE REPORT

Title: DASZ 20/2012 – 895/963 Mission Street Public Hearing

Issue: An application for consideration at the Public Hearing to rezone 2.4 acres of land from PR1 to M3 and subdivide the site into 10 parcels.

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*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 20/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2012 dated September 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2012 dated September 21, 2012 to an "M3" Manufacturing Heavy District.
3. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City-owned/rear portions of Parcels A, B, C, F, G, H and J shown as "City Property to be sold to Adjacent Owners" on Schedule 'B' attached, to the adjacent owners at market value established by an internal appraisal report.
4. 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.
5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.
7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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 PR1 land to M3 and subdivide the site into 10 parcels.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into 10 parcels and the portion of the land currently zoned PR1 will be rezoned to M3.

HISTORY

- The "PR" land included in the subject application (which is approximately 2.5 acres in size) is part of what was a much larger parcel when it was purchased by the City of Winnipeg back in 1965.
- It was never developed into a formal park beyond the placement of a swing set and other ancillary items.
- In 1991, the "PR" lands were declared surplus to the City's needs and under DAZ 209/91, a portion of the overall total was rezoned to "M3' Industrial and sold to private interests.
- In 1999, Standing Committee on Property and Development recommended that "all City lands north of Mission Street on Misc. Plan 10620 be declared surplus, be consolidated with Manitoba Hydro lands to be acquired, and then be subdivided and sold." That recommendation was adopted by Council June 23/99.

- In April of 2008, an application (DASZ 12/08) was initiated, the purpose of which was to rezone the subject residual parcel of "PR-1" to an industrial classification and consolidate that parcel with adjoining City owned "M3" lands to the immediate east including several unopened street rights-of-way (Paris & Auburn).
- The streets were to be closed under accompanying DAC 16/06 and the end result would have been the sale of three parcels, all of generally equivalent size.
- At the public hearing, a number of the private property owners along Mission Street appeared in opposition to the plan.
- It was their collective assertion that a portion of the rear lands, owned by the City, should be sold to the existing dwellings and businesses at fair market value.
- The matter was laid over until the May 12/08 public hearing for further review.
- On May 12/08, Riel Community Committee, after some debate on the issue, recommended a further layover until June 23/08.
- The City's Real Estate Division was instructed to meet with the property owners, in question, and attempt to negotiate an arrangement whereby the subject property owners would be able to purchase (at fair market value) a portion of the back lands to add to their existing properties.
- The Real Estate Division agreed to the Community Committee's recommendation but withdrew the initial application in order to allow for adequate time to meet with individual owners and create a new subdivision plan.
- On September 30, 2009, Council approved DASZ 8/2009. That application (DASZ 8/2009) was identical to the subject application for the subject properties. However, as per clause 9 of the conditions of approval for that application, the subdivision and rezoning by-law was not proceeded with and was not passed within 24 months, nor did the application receive an extension from Council. As such, the approval has lapsed and a new application is required.
- Under Council's approval for DASZ 8/2009, the following condition was included that declared the City-owned land (Lots 1-6 and 75-80 Block 4 Plan 1028, and Lot 1 Plan 11510) surplus:

    7. That the 'Subject City Property' shown outlined on Schedule "C", be declared Surplus to the City's needs.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	September 21, 2012
File No.	DASZ 20/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 20/2012 Riel Community Committee, dated September 21, 2012
3. Schedule “B” — Miscellaneous Plan No. 10620/25

APPENDIX 'A'

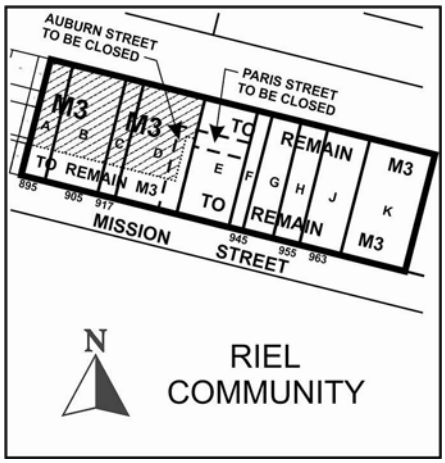
DATE: September 21, 2012

FILE: DASZ 20/2012
RELATED FILES: DASZ 8/2009, DASZ 12/2008, DAC 16/2006, DAZ 209/1991

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.549

SUBJECT: To subdivide the subject property into 10 parcels and rezone from "PR1" Parks and Recreation 1 to "M3" Manufacturing Heavy.

LOCATION: 895/963 Mission Street
LEGAL DESCRIPTION: Lots 43/58. Block 2, Plan 1028; Lots 43 and 33, Block 1 and Lot 55, exc Ely 5 feet and all Lot 56, Block 2, Plan 1028; Lot 1/6, both inclusive, and Lots 75 to 80, both inclusive, Block 4, Plan 1028; Parcel 1, Plan 11510, Lot 5/7, Plan 39318; Lots 63/74, Block 4, Plan 1028; Parcel D/N, P/S, AA/HH, JJ/NN, PP, Plan 27240 WLTO in RL 45 Parish of St. Boniface



APPLICANT: City of Winnipeg

OWNERS: City of Winnipeg, Helmut & Linda Groth, Douglas Doucette, Benjamin & Suzanne Lang, Bobby Lang, Delphine Lang

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the PR1 land to M3 and subdivide the site into 10 parcels.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the north side of Mission Street in the Mission Industrial neighbourhood of the St. Boniface Ward.
- The site is comprised of several properties and in total is approximately **8.34 acres (363,400 square feet) in area.** The part of the site that is to be rezoned from PR1 to M3 is about 2.4 acres in area.
- The site is located within an Employment Lands – General Manufacturing Area under the Complete Communities Direction Strategy and is zoned both “PR1” Parks and Recreation 1 and “M3” Manufacturing Heavy.

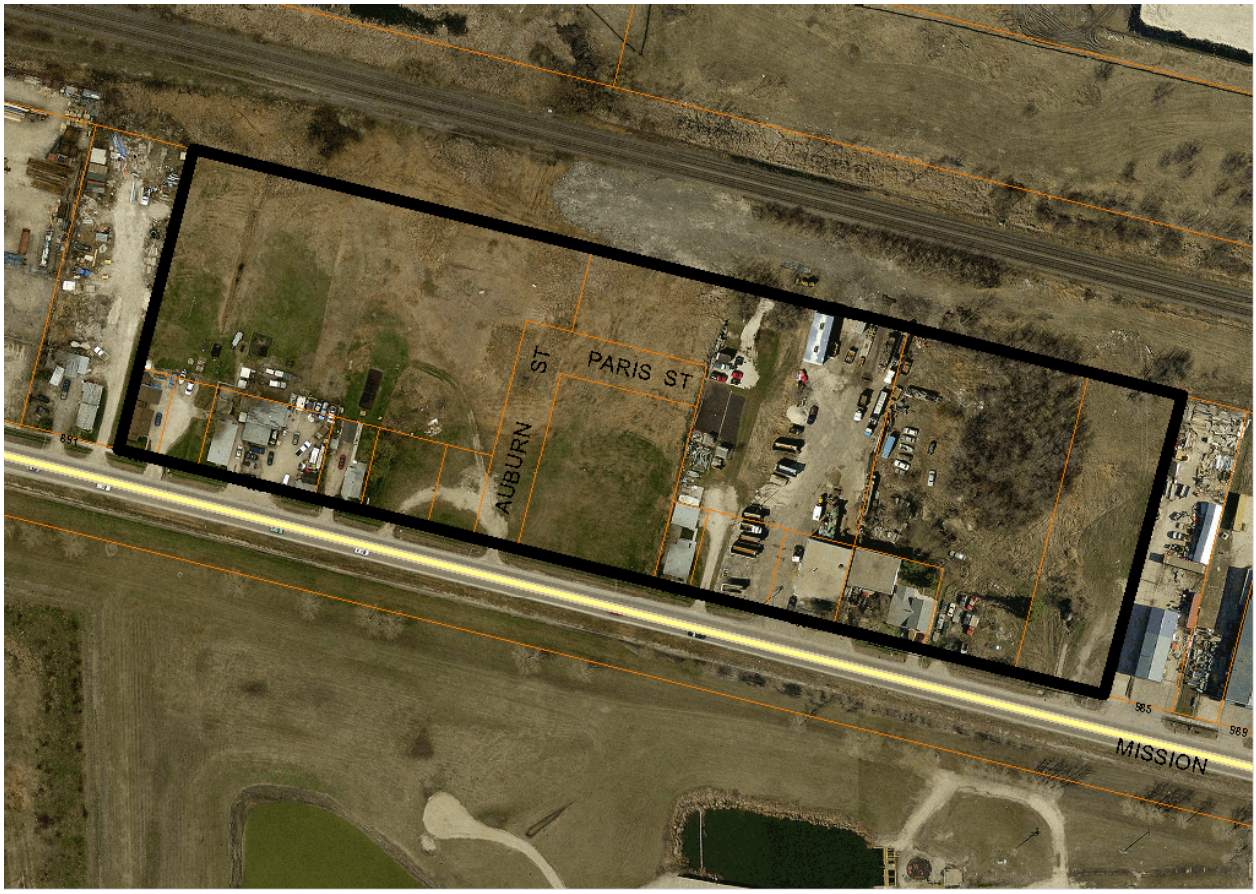


Figure 1: Aerial photograph of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A rail line zoned M3.

South: Mission Street and a refinery zoned M3.

East: Properties zoned M3.

West: Properties zoned M3.

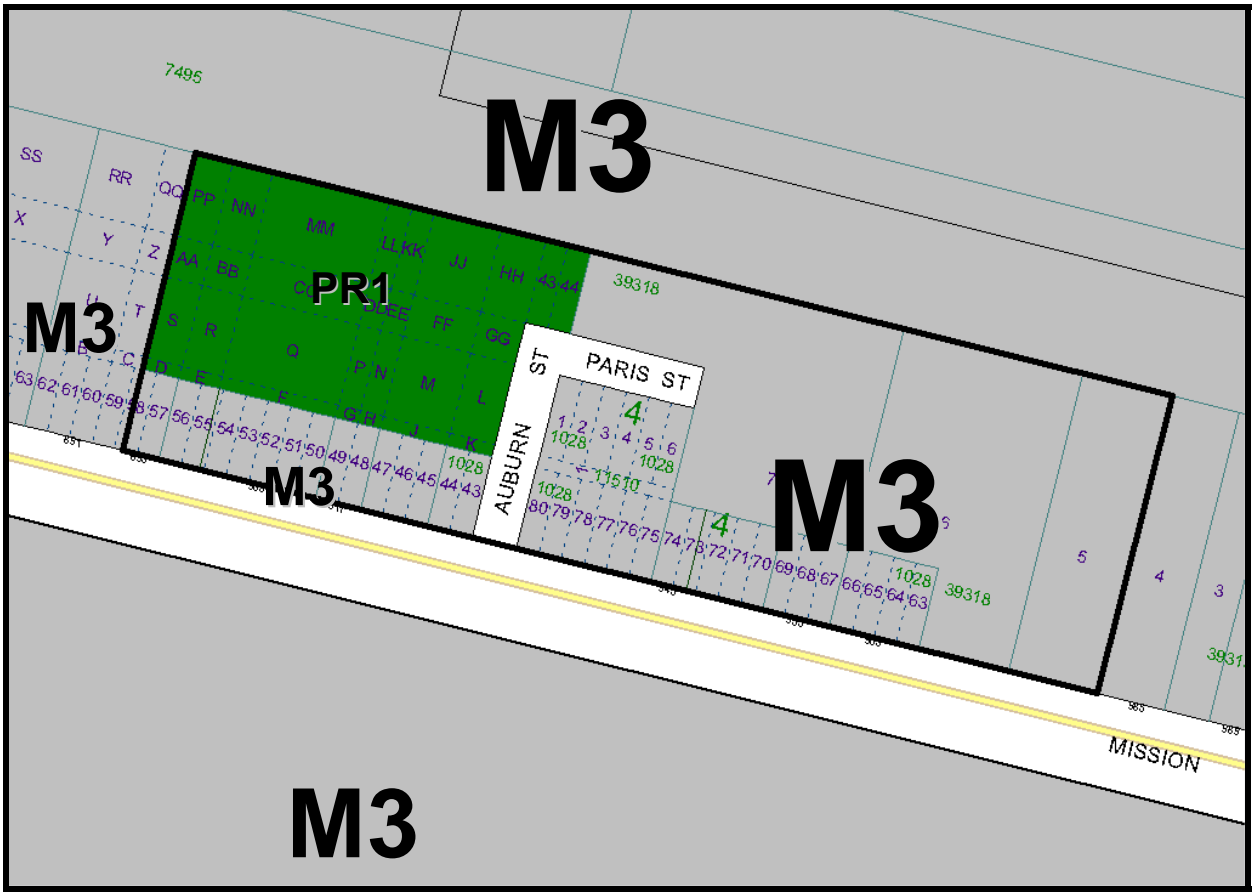


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the PR1 land to M3 and subdivide the site into 10 parcels.
- This application is exactly the same as the previous application approved by Council under DASZ 8/2009. It should be noted that this application includes the sale of City-owned properties (see Schedule B).
- As described in the History Section, the approval period for DASZ 8/2009 has lapsed and a new application is required.

- The applicant explains that the cause for the delay of DASZ 8/2009 was that Manitoba Hydro required easements that pertained to the other property owners, not just the City-owned property. The idea of relocating electrical service from the Mission Street frontage was explored with Hydro; however, this was deemed too costly for the land owners. Manitoba Hydro then needed to work with each property owner to obtain the required easement within each owner's property. By the time this happened, the 2 years had passed.

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Employment Lands – General Manufacturing policy area. Rezoning to M3 is consistent with the policies of the General Manufacturing Area.

ZONING

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"M3" Manufacturing Heavy District

- The 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. There is a minimum front yard of 25 feet; and maximum building height of 150 feet.

LAND USE BY-LAW

Rezoning

- The applicant (the City of Winnipeg) is proposing to rezone the portion of the site that is currently PR1 to M3 and have that land consolidated into parcels A, B, C, and D (as shown in Schedule A).

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject PR1-zoned land was declared surplus in 1991. This land is located within the Employment Lands – General Manufacturing policy area under the Complete

Communities Direction Strategy and is surrounded on all sides by land zoned M3. Rezoning the PR1 land to M3 is consistent with Complete Communities and the surrounding context.

- As stated in DASZ 8/2009, the proposed rezoning and subdivision will allow for the orderly development and elimination of ongoing maintenance issues with the land, which is in the interest of the surrounding property owners, including the several non-conforming residential land owners who still reside along Mission Street.

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 land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- Rezoning the PR1 land to M3 is consistent with Complete Communities and the surrounding context.
- The consolidation and rezoning will allow for orderly development instead of the fragmented way in which development has occurred in the past. It is one of the last infill areas left in the Mission Street area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 20/2012

Schedule "A" for File No. DASZ 20/2012, Riel Community Committee, dated September 21, 2012

By-Law No. _____

File No. **DASZ 20/12**

Atlas Sheet No.

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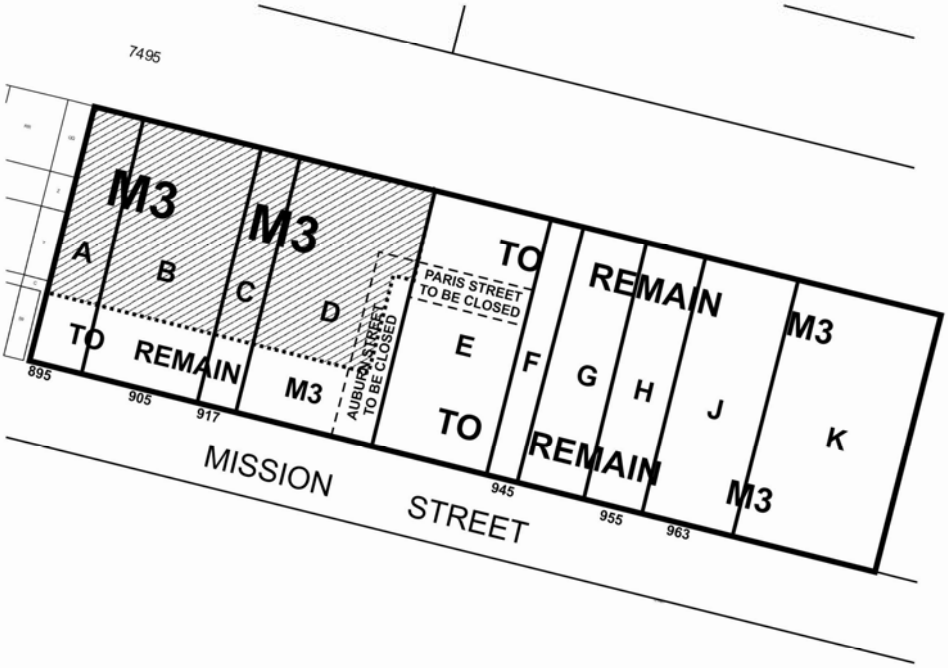
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 859/963 Mission Street from a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to an "M3" MANUFACTURING HEAVY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" **Misc. Plan No. 10620/25**

