Agenda – Executive Policy Committee – June 5, 2013

PUBLIC HEARINGS

Item No. 2 Subdivision and Rezoning – 1171 Fife Street (Point Douglas Ward) File DASZ 26/2012 [c/r SPA 4/2012]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the plan of subdivision proposed under File DASZ 26/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2012 dated October 12, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 6, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2012 dated October 12, 2012 to an "R1-S" Residential Single-Family 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) The minimum front yard of the residential lots shall be no less than 30 feet
        ii) Any new residential development must be built in accordance with the acoustic insulation requirements of the AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW No. 6419/94.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. 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.

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

7. That subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

9. 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.

10. 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.

11. 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.

Agenda – Executive Policy Committee – June 5, 2013

File: DASZ 26/2012

Applicant: J. Wintrup Consulting
(John Wintrup)

Subject:



Premises Affected: 1171 Fife Street

Exhibits Filed:

1. Application dated October 11, 2012
2. Notification of Public Hearing dated May 2, 2013
3. Manitoba Status of Title 2507694/1
4. Letter of authorization dated September 20, 2012 from Zenke Investments Ltd. to John Wintrup
5. Surveyor's Building Location Certificate and sketch dated November 28, 2002
6. Plans (2 pages)

7. Caveat No. 3102813 registered in the Winnipeg Land Titles Office on March 3, 2005
8. Report from the Planning and Land Use Division dated May 31, 2013
9. Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

That the report of the Winnipeg Public Service be taken as read.

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and forwarded to the Executive Policy Committee via the Priority Rezoning Process / Standing Policy Committee on Property and Development.

Moved by Councillor

That the following supporting reasons be provided, namely:

Moved by Councillor

That the public hearing with respect to this application be concluded.

Exhibit "8" referred to in DASZ 26/2012

ADMINISTRATIVE REPORT

Title: DASZ 26/2012 – 1171 Fife St

Issue: For consideration at the public Hearing for a Rezoning, DASZ 26/2012 – 1171 Fife St.

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	n/a	M. Ruta Acting CAO

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 26/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2012 dated October 12, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 6, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2012 dated October 12, 2012 to an "R1-S" Residential Single-Family 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:

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        ii) Any new residential development must be built in accordance with the acoustic insulation requirements of the AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW No. 6419/94.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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10. 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.

11. 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 wishes to rezone the subject property to an “R1-S” Residential Single-Family District to create 9 single-family lots.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are concurred in, development permits can be issued for the development as proposed.

FINANCIAL IMPACT STATEMENT

Financial Impact Statement

Date: May 31, 2013

Project Name:

DASZ 26/2012 – 1171 Fife Street

COMMENTS:

There are no direct financial implications associated with this report. Prior to release of mylars, the applicant will be required to submitted an amount equivalent to 10% of the increase in the subject property's value, which will be credited to the Cash in Lieu of Land Dedication Reserve Fund. The amount of this payment is not determinable with reasonable certainty at this time.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Legal Services

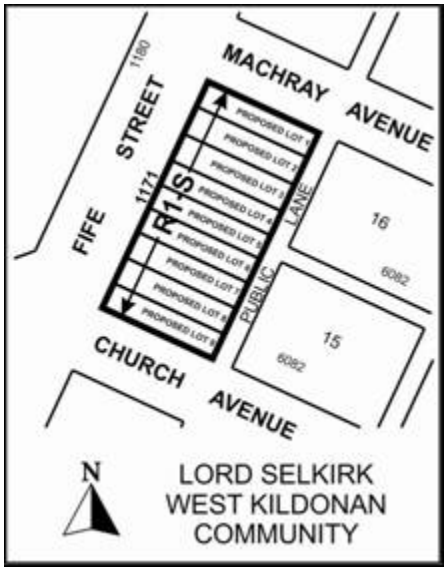
SUBMITTED BY

Department *Planning, Property and Development*
Division *Urban Planning*
Date: May 31, 2013
File No. DASZ 26/12
Attachments:

APPENDIX 'A': PLANNER'S REPORT
APPENDIX B: M2 USE TABLE OF ZONING BY-LAW 200/2006
SCHEDULE "A" FOR FILE NO. DASZ 26/2012, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED OCTOBER 12, 2012
SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MAY 6, 2013

APPENDIX 'A': Planner's Report

DATE:	May 8 2013
FILE:	DASZ 26/12
RELATED FILES:	
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	3.329 Inkster Industrial (Leila North)
SUBJECT:	To rezone the subject land from an "M1" Industrial District to an "R1-S" Residential Single-Family District.
LOCATION:	1171 Fife Street
LEGAL DESCRIPTION:	Lot 34 Plan 6082 WLTO in OTM Lots 41 TO 45 PARISH OF ST JOHN AND IN OTM Lots 1,2 and 3 PARISH OF KILDONAN and in NE ¼ 24-11-2 EPM.



APPLICANT:	John Wintrup
OWNER:	Zenke Investments Ltd.
RECOMMENDATION:	Approval

REPORT SUMMARY

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

- The proposed development (subject to the approval of SPA 4/12) is consistent with OurWinnipeg policies as the lands are located within an Area of Stability / Recent Community which accommodates the proposed zoning district.

SITE DESCRIPTION

The subject property, which is zoned “M1” Industrial District is located on the south side of Fife Street between Machray Avenue and Church Avenue, in the Inkster Industrial Park Neighbourhood of the Point Douglas Ward.

Existing Land Use and Zoning

North: Machray Avenue, then vacant lands and an industrial property zoned “M2” General Manufacturing District.

South: Church Avenue, then industrial land uses zoned “M2” General Manufacturing District.

East: A public lane, then a hydro transmission corridor zoned “M2” General Manufacturing District.

West: Fife Street, then industrial uses zoned “M2” General Manufacturing District.



Figure 1: Subject Site and Surrounding Land uses (2012)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to subdivide and rezone the existing 27,750 sq. ft property to an “R1-S” zoning district to create 9 residential single family lots fronting on Fife Street. The application is concurrent with SPA 4/2012 which is an application to amend Complete Communities by removing the subject lands from the General Manufacturing Policy Area. The subject rezoning application is only relevant in the event that the lands are removed, and is therefore, written under that context.

ANALYSIS

OurWinnipeg, Complete Communities: Policies of Areas of Stability

Currently the subject site is designated as General Manufacturing Policy Area. Under associated File # SPA 4/12, the applicant is requesting that the property be removed from the General manufacturing Policy Designation. If successful, the lands will then be governed by the Areas of Stability / Recent Community Policy Area. Relevant policies include:

04 Areas of Stability:
'Infill in areas of stability will be supported with the intent of creating more complete communities.' P.78

'Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.' P.80

'Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.' P.80

'Support Complete Communities by ensuring diverse and high quality housing stock.' P.80

'In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.' P.80

'Provide opportunities to increase multi-modal connectivity when redevelopment occurs.' P.80

'Where intensification/densification of housing occurs, ensure that the types of open space - passive, active, and plazas - respond to community needs.' P.81

04 Areas of Stability > Recent Communities:
'Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment and community facilities.' P.89

Zoning

The site is currently zoned "M1" Industrial District in Zoning By-Law 200/2006.

The proposed zoning district is "R1-S" Residential Single-Family and is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

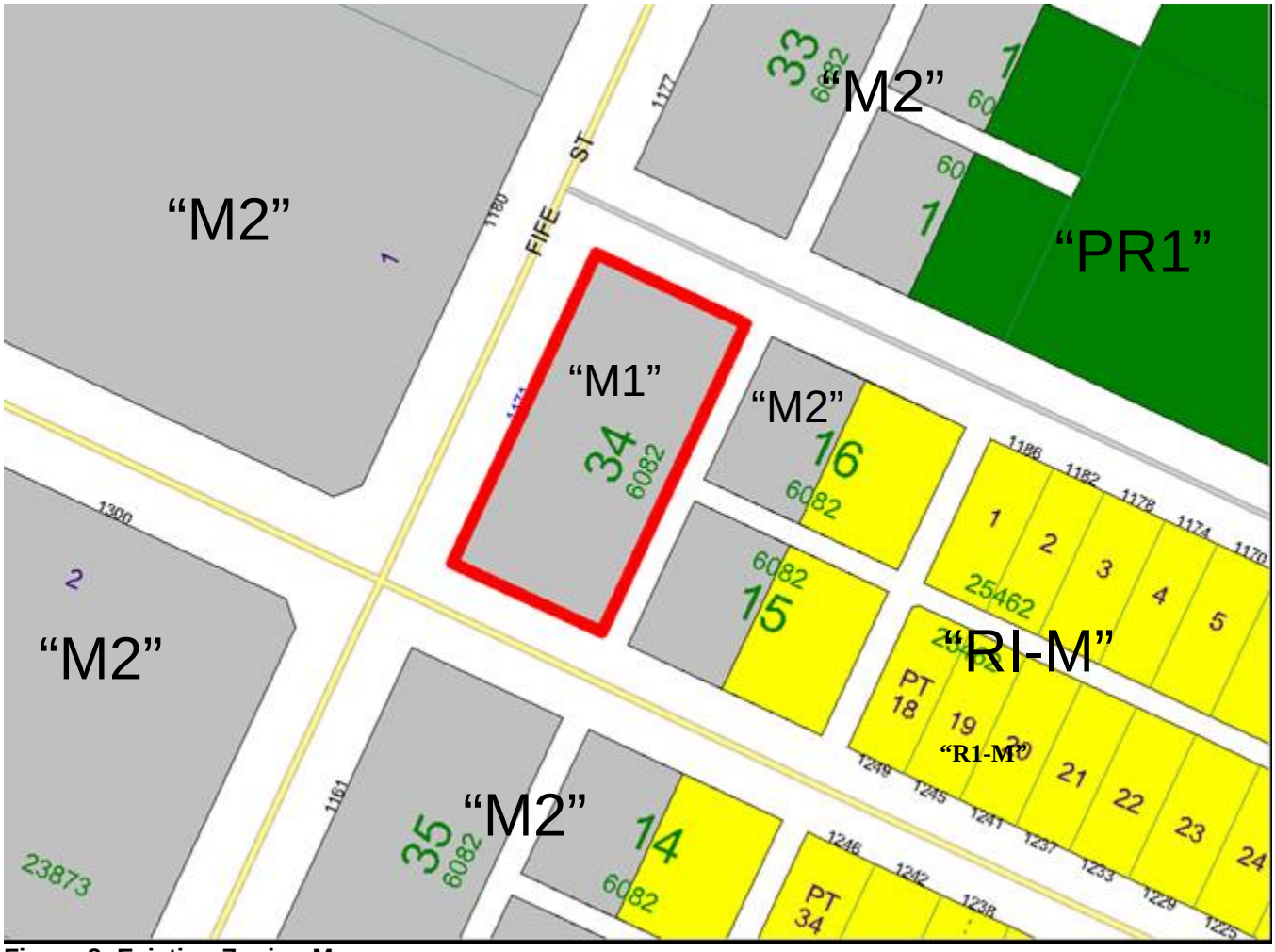


Figure 2: Existing Zoning Map

Compatibility with Neighbouring Land Uses

- It is noted that there is existing residential development within the immediate vicinity of the subject site. In fact there are single-family homes located less than 200 feet from the subject property. The key difference between those properties, however, and the proposed is that those properties are separated from neighbouring industrial lands by a hydro corridor that is 150 feet wide.

- The proposed amendment and rezoning will result in the future single-family dwellings being bound on three sides by properties zoned M2.

- While many of these M2 sites currently operate as lower order industrial uses including offices and even a restaurant (see figure 3), there are a number of permitted uses that could potentially aggravate future residents. This may include uses with constant semi-trailer traffic such as the site at 1196 Fife, located across the street from the subject site one property north (Appendix B provides a full list of uses accommodated in the M2 district).

- Accommodating residential development so close to existing General Manufacturing lands may decreases the autonomy currently enjoyed by these properties owners who may have located their

operations their to avoid conflicts with residential land uses. This may open up these industrial operations to complaints about noise, odour, etc.

- To mitigate against potential conflicts, the following conditions are recommended and can be attached to a zoning agreement:
    - Any new residential development must be built in accordance with the acoustic insulation requirements of the AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW No. 6419/94.
        - Though by-law no. 6419/94 addresses protection from noise associated with aviation, it can be applied to the subject site as a proactive measure.
    - The minimum front yard of the residential lots shall be no less than 30 feet.
        - Albeit minor, this setback would simply guarantee an enhanced separation between residences and the M2 properties on the west side of Fife Street

- Notwithstanding the potential for land uses conflicts identified above, there are many instances in Winnipeg where low density residential development shares street frontage with active industrial uses. Figure 4 illustrates an existing situation that is very similar the proposed. In Figure 3, the property identified as #1 is a block of single-family homes developed in 2011 on lands zoned “R1-S”. The property identified as #2 is a light warehousing use zoned “M2”. Each development is consistent with their respective policy designations in Complete Communities as the middle of Redwood Avenue forms the boundary of a General Manufacturing Policy Area to the north and a Recent Community Policy Area to the south. This is not to say that either the existing example or the proposed rezoning are free of potential land use conflicts, but is simply to illustrate their co-existence for better or worse.



Figure 3: Examples of Existing Neighbouring M2 Land Uses Adjacent to the Subject Site

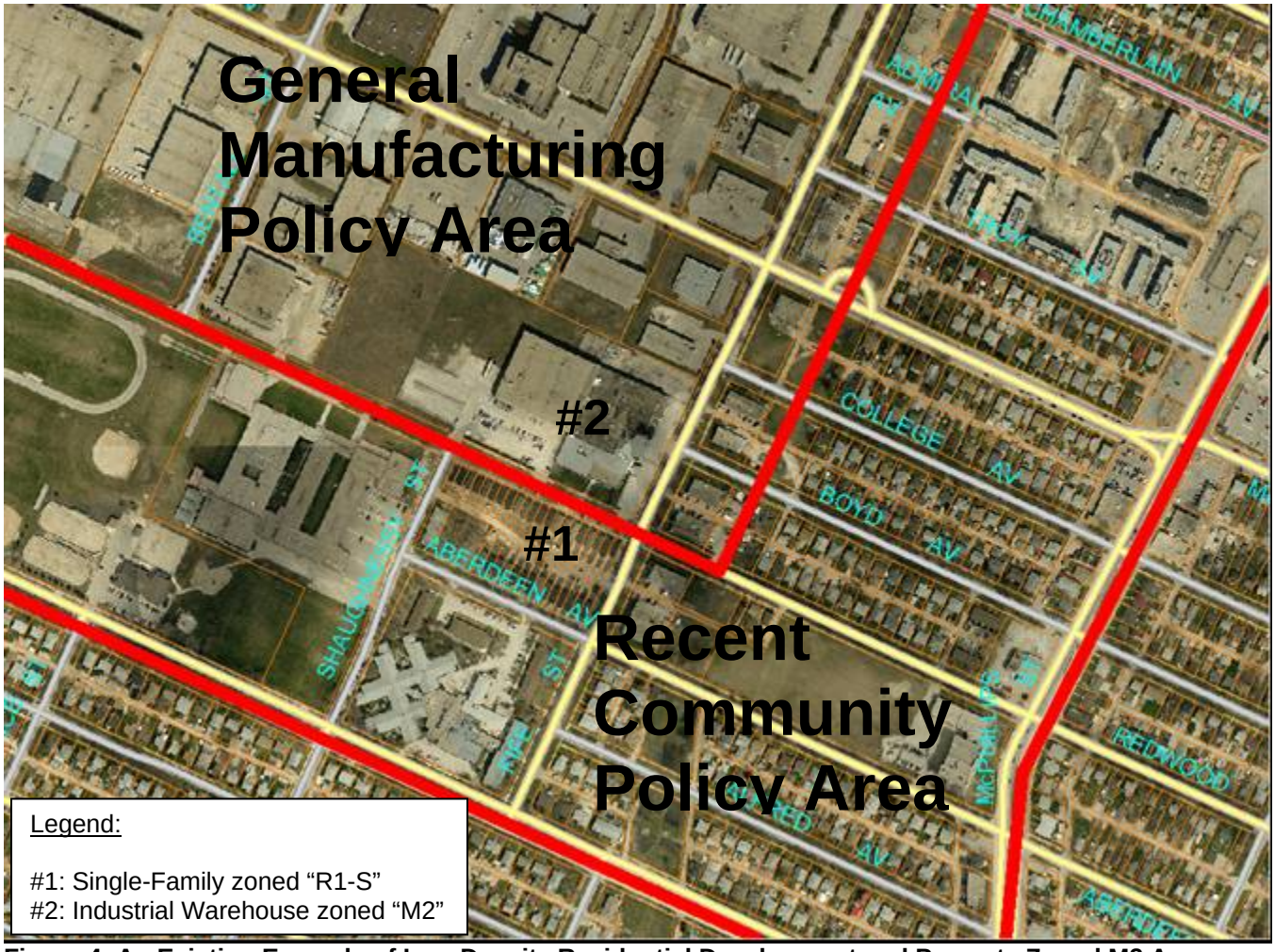


Figure 4: An Existing Example of Low Density Residential Development and Property Zoned M2 Across the Street from each other.

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

- The proposed development (subject to the approval of SPA 4/12) is consistent with OurWinnipeg policies as the lands are located within an Area of Stability / Recent Community which accommodates the proposed zoning district.

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

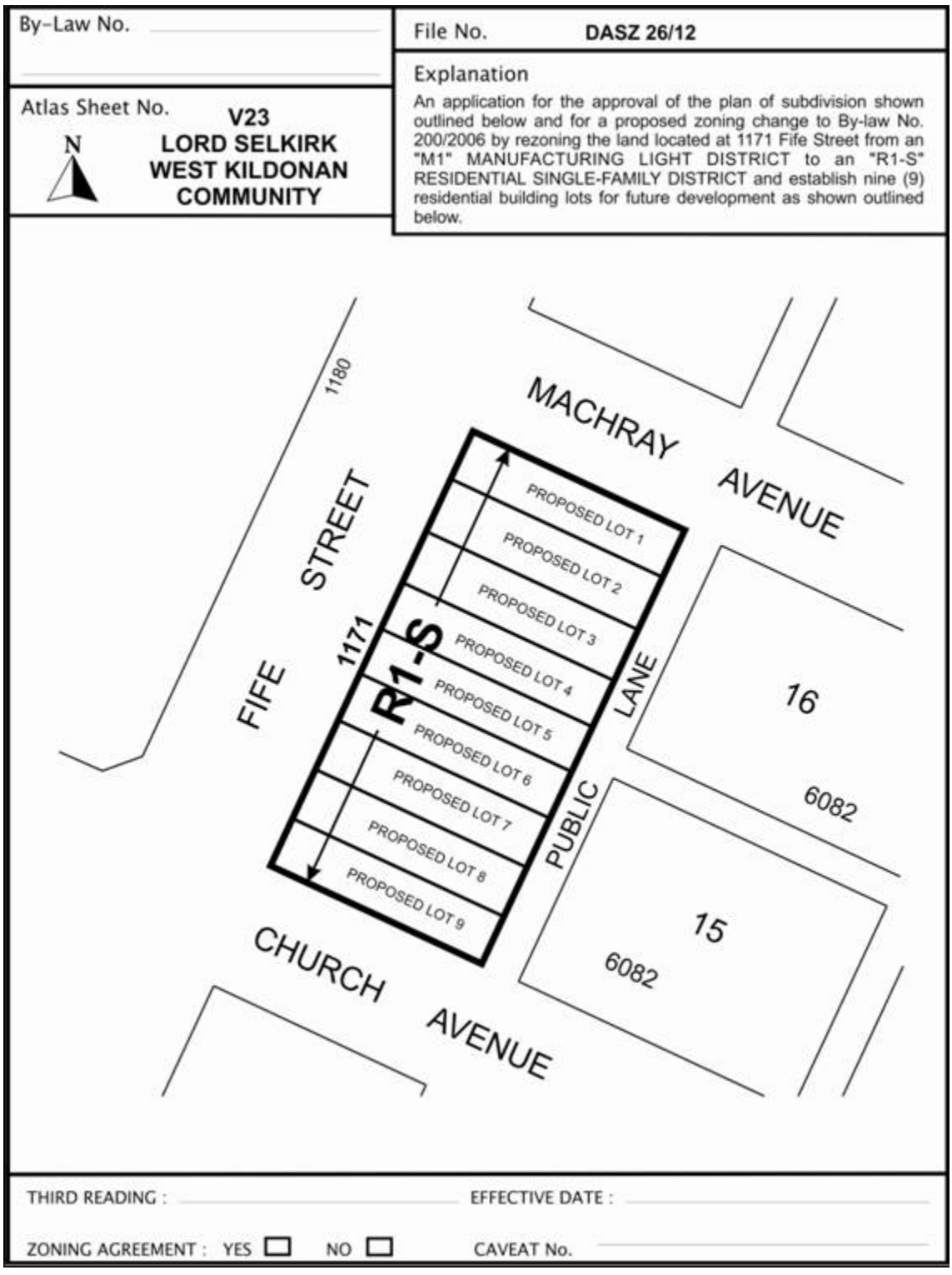
PPD File # DASZ 26/2012

APPENDIX 'B': M2 USE TABLE OF ZONING BY-LAW 200/2006

USE	M2
Community Facilities	
Community/recreation centre	P
Jail/detention centre	C
Post office/carrier depot	P
Protection and emergency services	P
Commercial school	P
Boat dock, public access	C
Park/plaza/square/playground	P
Day care centre	P*
Place of worship	P
Gallery/museum	P
Amusement enterprise, indoor	P
Sports or entertainment arena/stadium, indoor	C
Studio, radio/TV/motion picture broadcast and production	P
Amusement enterprise, outdoor	P
Race track	C
Sports or entertainment arena/stadium, outdoor	C
Hotel or motel	C
Animal Hospital or veterinary clinic	P
Kennel	P
Drinking establishment	P*
Restaurant	P
Call centre	P
Office	P
Research institution	P
Funeral chapel or mortuary	P
Medical/dental/optical/counseling clinic	P
Auction room	P
Landscape or garden supplies	P
Adult service or entertainment establishment	C*
Pawnshop	C*
X-rated store	C*
Advertising sign	C
Auto/light truck/motorcycle, repair and service	P*
Auto/light truck/motorcycle, sales and rental	P*
Auto parts and supplies, sales	P
Car Wash	P
Drive-in or drive-through	P*
Fuel Sales	P
Parking, structure	P
Parking, surface	P
Towing and storage facility	P
Airport, and associated facilities	P
Bus depot	P
Commercial arena	P
Transit station	P
Utility facility, major	P
Utility facility, minor	P*
Wireless communication, building-mounted tower	P*
Wireless communication, freestanding tower	P*

Auction Yard	P
Contractor's establishment	P
Crematorium	C
Fleet services	P
Heavy equipment sales, service and rental	P
Landscape garden contractor or production	P
Wholesaling	P
Light manufacturing	P
Freight or truck yard	P
Grain elevator	C
Mini warehouse, self storage	P
Outside storage	P*
Warehouse	P
Recycling collection centre	P
Recycling plant	P*
P = Permitted P* = Permitted with Use Specific Standards C = Conditional C* = Conditional with Use Specific Standards	

SCHEDULE "A" FOR FILE NO. DASZ 26/2012, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED OCTOBER 12, 2012



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 6, 2013

RE: PROPOSED REZONING OF LAND LOCATED AT 1171 FIFE STREET - DASZ 26/2012

It is recommended that the approval of DASZ 26/2012, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

AGREEMENT CONDITIONS

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

3. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design. The Developer shall, at no expense to the City, remove the four (4) existing driveway approaches to the subject property and restore the curbs, boulevards, and sidewalks, as necessary.

4. All vehicular access to the proposed lots is to be off of the existing public lane at the rear of the subject property.

5. The Developer shall, at no expense to the City, construct a 1.5 metre in width by 100mm thick portland cement concrete sidewalk in Fife Street fronting the subject property.

6. The Developer shall, at no expense to the City,

    a) Re-sod the frontage boulevard on Fife Street, post-construction as required and,

    b) Plant two (2) boulevard trees, one on Church Avenue and one on Fife Street

    c) Protect the six (6) mature elm trees, four on Fife Street and two on Machray Avenue from damage during construction.

    all to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

8. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

11. Following completion of all major construction works, the Developer shall, at its cost have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

12. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services and associated works required to serve the Planned Area;

13. The Developer shall pay the full cost of construction services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by

March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

14. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre (minimum $1,650.00) of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2012
May 6, 2013

"Original signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.
Land Development Branch

"Original signed by C. Desjardine, P.Eng."
L. Escobar, P. Eng.
Public Works Department, Transportation Division

F. C. Mazur, P. Eng.
Water & Waste Department

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