Agenda – Council - September 25, 2013

Report – Executive Policy Committee – September 18, 2013

Item No. 1 Rezoning – 340 Mazenod Road
(St. Boniface Ward)
File DAZ 219/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding the Prairie Industrial Park Planned Development Overlay-2 (PDO-2 Prairie Industrial Park), attached as Appendix "B" ('Schedule S').

2. 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.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

4. 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.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 18, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2013, 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: **Rezoning – 340 Mazenod Road**
File DAZ 219/2013

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **September 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding the Prairie Industrial Park Planned Development Overlay-2 (PDO-2 Prairie Industrial Park), attached as Appendix "B" ('Schedule S').

2. 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.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

4. 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.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. It is in keeping with the zoning approval that was previously given.

PUBLIC HEARING SUMMARY

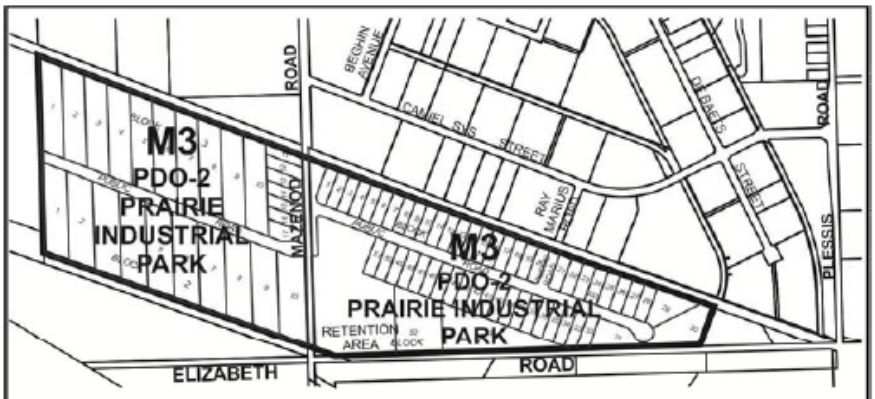
File: DAZ 219/2013

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

Public Hearing: September 9, 2013
Council Building, 510 Main Street

Applicant: Terracon Development Ltd. (Matthew Glavin)

Subject:



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RIEL
COMMUNITY

APPLICANT : TERRACON DEVELOPMENT LTD.
FILE : DAZ 219/13
PROPOSAL: To establish a Planned Development Overlay 2 Prairie Industrial Park on the land shown outlined above and rezone from an "M3" MANUFACTURING HEAVY DISTRICT to an "M3 PDO-2" PRAIRIE INDUSTRIAL PARK MANUFACTURING HEAVY DISTRICT. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : TERRACON DEVELOPMENT LTD.
N° DE RÉFÉRENCE : DAZ 219/13
PROJET : Établir un développement organisé de secteur 2 du Prairie Industrial Park et modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie M3 (secteur manufacturier lourd) à la catégorie M3-PDO2 (Prairie Industrial Park – secteur manufacturier lourd). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 340 and Unaddressed Property on Mazenod Road

Exhibits Filed:

1. Application dated May 28, 2013
2. Notification of Public Hearing dated July 19, 2013
3. Manitoba Status of Titles 2347768/1 and 2503345/1
4. True copy of By-law No. 2012/78 dated February 6, 2013
5. Letter of authorization dated January 17, 2013 from the City of Winnipeg to Terracon Development Ltd.
6. Surveyor's Building Location Certificate and sketch dated February 4, 2013
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated August 15, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Matt Glavin
Michael Falk

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 219/2013

ADMINISTRATIVE REPORT

Title: DAZ 219/2013 – 340 Mazenod Road Public Hearing

Issue: An application for consideration at the Public Hearing to create the Prairie Industrial Park Planned Development Overlay-2 (PDO-2) for +/- 235 acre site in the St. Boniface Industrial Park that is currently zoned M3.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding the Prairie Industrial Park Planned Development Overlay-2 (PDO-2 Prairie Industrial Park), attached as Appendix "B" ('Schedule S')
2. 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.
3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
4. 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.
5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to create a PDO-2 Planned Development Overlay District for the +/-235 acre site that will be know as the Prairie Industrial Park.

- The creation of a PDO-2 is ultimately a rezoning application. Rezoning applications 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 Prairie Industrial Park Planned Development Overlay-2 will be established on the land. This PDO-2 will allow 7 additional permitted uses and 8 additional conditional uses to the underlying M3 zoning of the site.

HISTORY

DAS 19/2013

- On July 8, 2013, the Riel Community Committee approved DAS 19/2013, which was an 80-lot subdivision for the subject site. Council has not yet made a recommendation on DAS 19/2013.

Joint Venture Agreement with Terracon Development Ltd.

- On January 30, 2013, Council recommended approval of a Joint Venture between the City of Winnipeg and Terracon Development Ltd.
- As part of that recommendation, lands included in the subject DAS application were declared surplus. Additionally, the Council decision of November 23, 2005 in regard to the sale of the City lands and economic incentive package for the Olywest Consortium was rescinded.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	August 15, 2013
File No.	DAZ 219/2013

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Appendix B – Prairie Industrial Park Planned Development Overlay-2 (PDO-2 Prairie Industrial Park)

APPENDIX 'A'

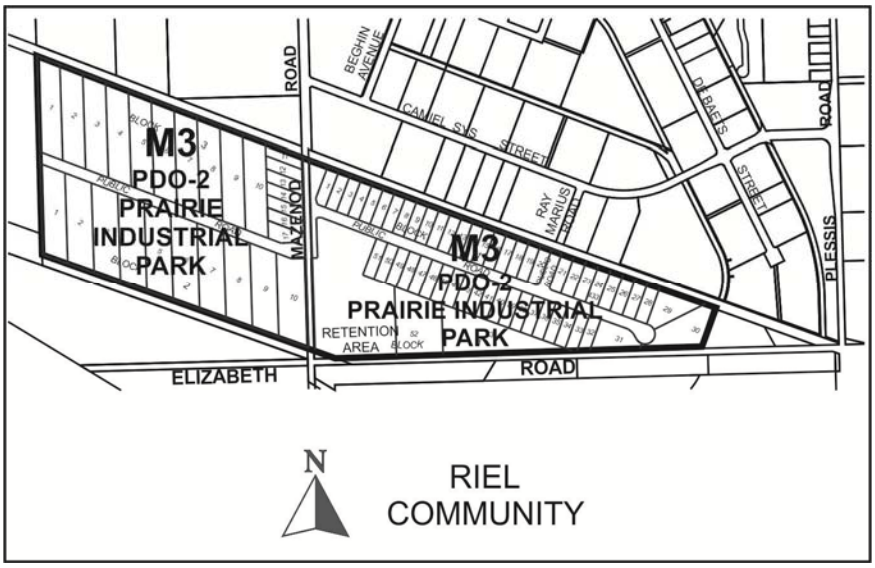
DATE: August 15, 2013

FILE: DAZ 219/2013
RELATED FILES: DAS 19/2013, DAV 13-127531/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.537

SUBJECT: An application to create the Prairie Industrial Park Planned Development Overlay-2 (PDO-2) for +/- 235 acre site in the St. Boniface Industrial Park that is currently zoned M3.

LOCATION: Lands west of Plessis, south of the Winnipeg Aqueduct



APPLICANT: Terracon Develpment Ltd. (Matt Glavin)
1 TERRACON PL
WINNIPEG MB R2J 4B3

OWNER: THE CITY OF WINNIPEG
C/O PLANNING PROPERTY DEVELOPMENT SERV
65 GARRY ST WINNIPEG MB R3C 4K4

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located west of Plessis Road, south of the Aqueduct in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward.
- The site is vacant and approximately **235 acres in area.** The land is owned by the City of Winnipeg. A letter of authorization from the City has been included in the application.
- The property is located within the Employment Lands – General Manufacturing policy area under the Complete Communities Direction Strategy and is zoned “M3” Manufacturing Heavy.

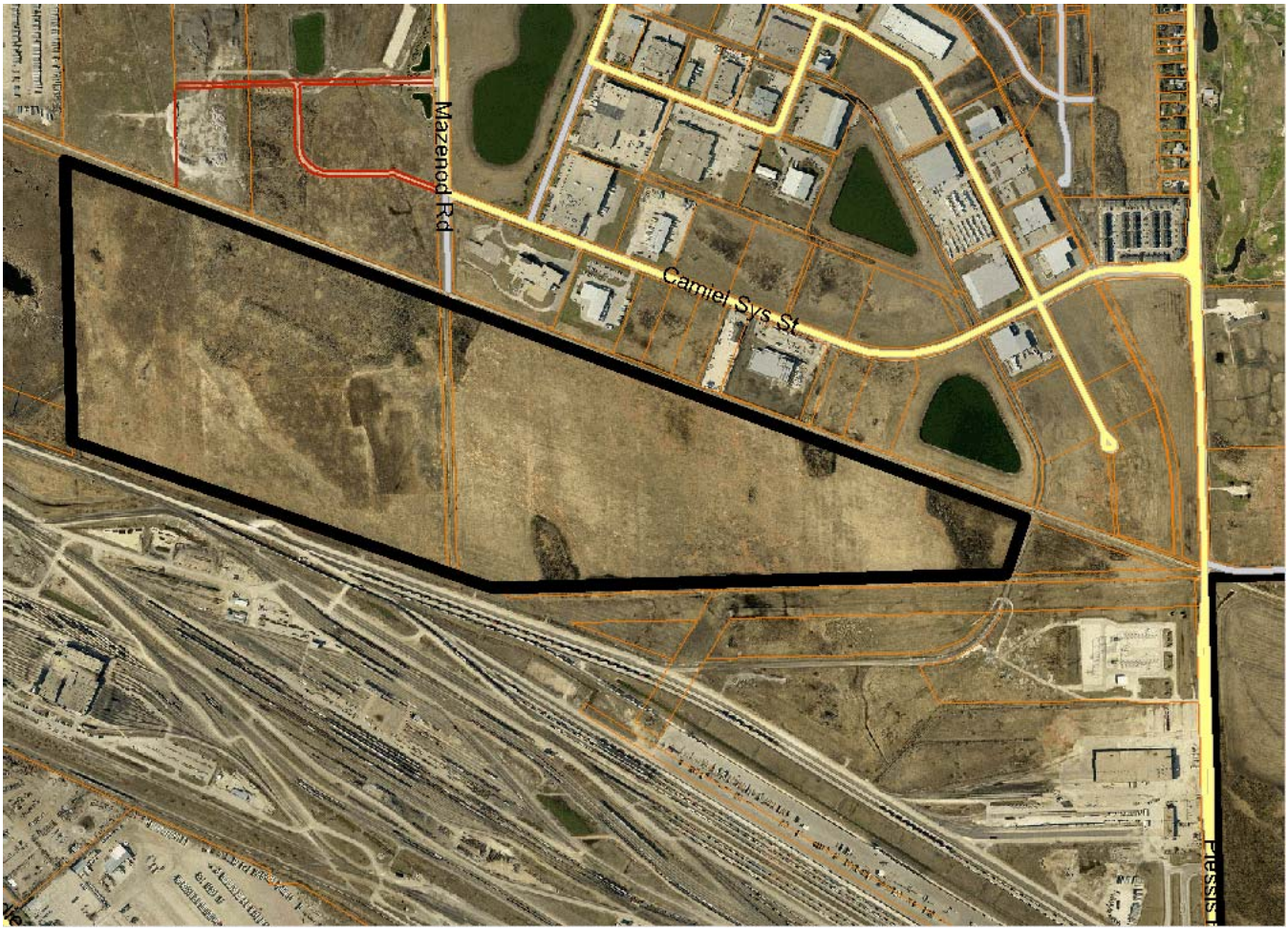


Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: The Aqueduct and manufacturing properties zoned M2.

South: Elizabeth Road (unimproved), a Hydro corridor, and a rail yard zoned M3.

East: Plessis Road and rural residential lots zoned “A” Agricultural.

West: Undeveloped land zoned M3.

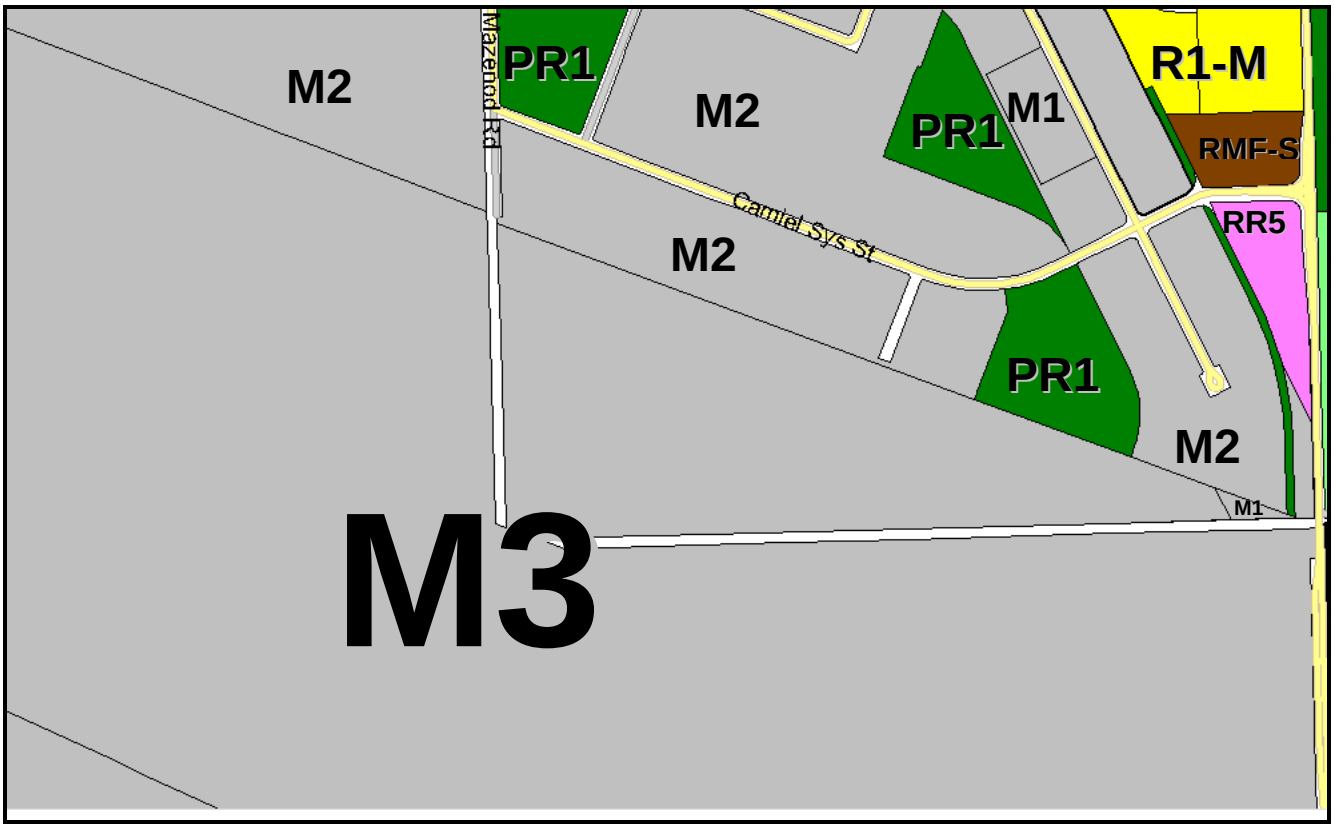


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to create a PDO-2 Planned Development Overlay District for the +/-235 acre site that will be know as the Prairie Industrial Park.
- The site has recently been approved for a subdivision into 80 lots at the July 8, 2013 Riel Community Committee Public Hearing. Council has yet to make a recommendation on the subdivision.
- The proposed PDO-2 focuses on uses to be added to the existing list of principal uses in the M3 zone. Proposed permitted uses are:
    - Drinking Establishment
    - Restaurant
    - Call Centre
    - Office
    - Landscape or Garden Supplies
    - Auto/Light Truck/Motorcycle, Sales and Rental
    - Drive-In or Drive-Through
- Proposed conditional uses are as follows:
    - Community/Recreation Centre

- Commercial School
- Day Care Centre
- Amusement Enterprise, Indoor
- Studio/Radio/TV/Motion Picture Broadcast and Production
- Amusement Enterprise, Outdoor
- Sports or Entertainment Arena/Stadium, Indoor
- Hotel or Motel

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is within the Employment Lands policy area. Some relevant policies guiding development within the Employment Lands include:
  - Consider options to encourage development of under-utilized parcels and obsolete sites.
  - Maximize the economic development potential of existing and future employment lands.
  - Consider the quality of lands required to support employment growth and encourage a suitable range and mix of features and uses that will best match the emerging needs of Winnipeg's current and future employers.
  - Allow for the development and retention of a broad range of employment lands and a variety of employment parcel sizes.

ANALYSIS

- The proposed PDO-2 will apply to a contiguous area of land that is currently in single ownership.
- The proposed PDO-2 is unique to the area and is not likely to be used in other areas of the City.
- The proposed PDO-2 site is surrounded in its entirety by lands zoned either M2 (to the north) or M3 (to the south and west).
- The proposed PDO-2 results in the creation of a "hybrid" zone comprised of M2 and M3 uses. All of the proposed permitted uses listed in the Prairie Industrial Park PDO-2 are permitted in the M2 (and M1) zone. All of the proposed conditional uses but the "Indoor Sports or Entertainment Arena/Stadium" and "Hotels/Motels" are permitted in the M2 zone. "Indoor Sports or Entertainment Arena/Stadium" and "Hotels/Motels" are conditional uses in the M2 zone.
- All of the use specific standards that apply to the various uses in the Zoning By-law will apply in the same way in the proposed PDO-2.
- Since the incorporation of Zoning By-law 200/2006, the City of Winnipeg has reviewed 13 applications involving a rezoning from one Manufacturing district to another. Most of these applications involved a rezoning from M3 to M2 to allow for more commercial-oriented uses. The administration supported all 13 of the applications; only 1 of the 13 applications was rejected by Council.

- There were detached single-family homes located nearby in the instance where a Manufacturing rezoning application was rejected by Council (see DASZ 43/2007 – 454 & 478 Archibald). There are no homes in the immediate vicinity of the proposed PDO-2 area. Further, many of the proposed uses are generally more compatible with residential properties than what is currently permitted in the M3 zone.
- A few of the Manufacturing rezoning applications can be considered spot rezonings as the same zoning category was not located adjacent to the site (ex DAZ 218/2013 – 237 Lowson Cres.).
- The proposed permitted uses in the PDO-2 are either commercial sales and service oriented (Drinking Establishment, Restaurant, Call Centre, Office, and Landscape or Garden Supplies) or auto-oriented (Auto/Light Truck/Motorcycle, Sales and Rental, Drive-In or Drive-Through). These proposed uses help add services to the industrial park that may be important for future employees. None of the proposed permitted uses appear to be out of step with the surrounding context.
- The proposed conditional uses can also help provide services, such as a day care centre, to future employees in the park. However, given that these uses are conditional, the administration and decision-makers will have the opportunity to review these uses on a case-by-case basis to determine whether or not the use is appropriate as the park develops.
- Considering the surrounding context, which is comprised of lands zoned M2 and M3, and the fact that only a few uses that are currently permitted in the M2 zone are proposed to be added to the PDO-2, the Public Service is supportive of the subject application.

RECOMMENDATION

The Public Service recommends **approval** for the following reasons:

- The proposed PDO-2 is consistent with the Complete Communities Direction Strategy Employment Lands policies, which encourage the development of under-utilized parcels and a mix of uses and features for current and future employers.
- The subject site is surrounded by land zoned either M2 or M3.
- The proposed PDO-2 results in the creation of a “hybrid” zone comprised of M2 and M3 uses. All of the proposed permitted uses listed in the Prairie Industrial Park PDO-2 are permitted in the M2 (and M1) zone. All of the proposed conditional uses but the “Indoor Sports or Entertainment Arena/Stadium” and “Hotels/Motels” are permitted in the M2 zone.

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

PPD File # DAZ 219/2013

Appendix "B"

SCHEDULE S

Added TBD

PRAIRIE INDUSTRIAL PARK PLANNED DEVELOPMENT OVERLAY-2 (PDO-2 PRAIRIE INDUSTRIAL PARK)

Purpose

1. The purpose of this overlay is to provide flexibility for "M3" Manufacturing Heavy Zoning District uses for the area defined as the PDO-2 Prairie Industrial Park.

Applicability

2. The PDO-2 Prairie Industrial Park overlay district is located as shown on the attached Map 1.

Development Standards

3. Except to the extent modified by the standards in this overlay, all standards of this By-Law apply within the boundaries shown on the attached map (Map 1).

Permitted Use Regulations

4. Notwithstanding other provisions of this By-law, in the PDO-2 Prairie Industrial Park, the following principal uses shall be permitted in addition to the permitted and conditional uses of the underlying M3 zoning district:

    (1) Drinking establishment (see section 7 for applicable use specific standard)

    (2) Restaurant

    (3) Call centre

    (4) Office

    (5) Landscape or garden supplies

    (6) Auto/light truck/motorcycle, sales and rental

    (7) Drive-in or drive-through

Conditional Use Regulations

5. Notwithstanding other provisions of this By-law, in the PDO-2 Prairie Industrial Park, the following principal uses shall be conditional in addition to the permitted and conditional uses of the underlying M3 zoning district:

    (1) Commercial school

    (2) Community/recreation centre

(3) Day care centre

(4) Amusement enterprise, indoor

(5) Studio/radio/TV/motion picture broadcast and production

(6) Amusement enterprise, outdoor

(7) Sports or entertainment arena/stadium, indoor

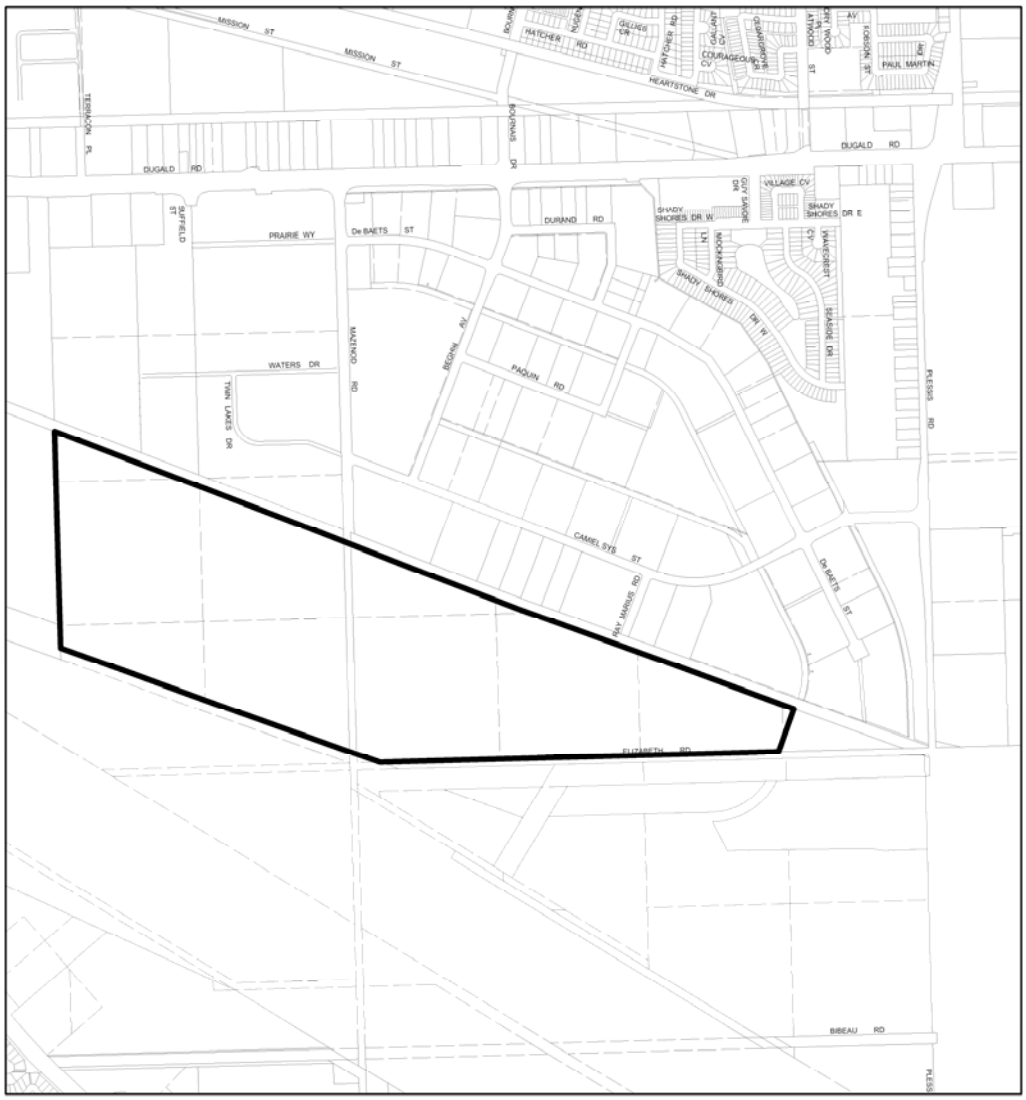
(8) Hotel or motel

Use Specific Standards

6. Regardless of whether a use is allowed as a permitted use or conditional use, the following additional standards must be met in respect of the uses identified, except as authorized by other sections of this By-law or by a Conditional Use or Variance Order.

Drinking Establishment

7. Drinking establishments are limited to a maximum of 5,000 square feet of gross floor area.



PDO-2 Prairie Industrial Park

Map 1: Prairie Industrial Park Planned Development Overlay-2 (PDO-2 Prairie Industrial Park)