Minute No. 59
Report – Standing Policy Committee on Property and Development – November 5, 2013

Item No. 3 **Subdivision and Rezoning – Lot 35 Day Street and Lot 23 Valde Avenue**
(Transcona Ward)
File DASZ 34/2013

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the application for subdivision and rezoning under File DASZ 34/2013 be rejected.

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

Report – Standing Policy Committee on Property and Development – November 5, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 13, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 5, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 15, 2013, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and the application for subdivision and rezoning under File DASZ 34/2013 be rejected, and forwarded to the Standing Policy Committee on Property and Development.

On September 17, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 15, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning - Lot 35 Day Street and Lot 23 Valde Avenue**
File DASZ 34/2013

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 16, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 15, 2013, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 34/2013 be rejected.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. There is not enough information on environmental impact of this application.
2. Most likely there will not be an environmental public hearing.
3. Very strong concerns have been raised by community.

PUBLIC HEARING SUMMARY

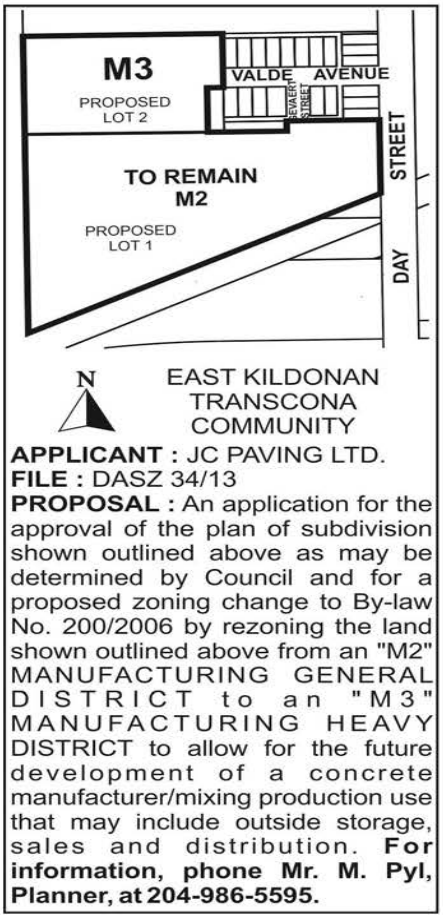
File: DASZ 34/2013

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Steen
Councillor Wyatt

Public Hearing: October 15, 2013
Council Building, 510 Main Street

Applicant: JC Paving Ltd. (Tony Teixeira)

Subject:



Premises Affected: Lot 35 Day Street and Lot 23 Valde Avenue

Exhibits Filed:

1. Application dated June 6, 2013
2. Notification of Public Hearing dated July 23, 2013
3. Manitoba Status of Titles 2430490/1 and 2522349/1
4. Letter of authorization dated May 30, 2013 from Tony Teixeira, JMT Holdings Inc. to Justin Giasson
5. Surveyor's Building Location Certificate and sketch dated January 22, 2010
6. Surveyor's Building Location Certificate and sketch dated June 16, 2011
7. Plans (2 pages)
8. Report from the Urban Planning Division dated September 10, 2013
9. Inspection Report
10. Notice of Adjournment dated September 18, 2013
11. Communication dated October 9, 2013, from Brenda Cannon in opposition to the application
12. Communication dated October 15, 2013, from Annette Beauchamp in opposition to the application
13. Communication dated October 14, 2013, from Dianne Kulchiski in opposition to the application
14. Communication dated October 15, 2013, from Rene Faucher in opposition to the application
15. Communication dated October 15, 2013, from Joan Knisley and Merlin Shoesmith in opposition to the application
16. Communication dated October 15, 2013, from Patrice Lee in opposition to the application
17. Communication dated October 15, 2013, from Elena Beauchamp in opposition to the application
18. Communication dated October 15, 2013, from Margaret Harasym in opposition to the application
19. Communication dated October 14, 2013, from Carol Bird in opposition to the application
20. Communication dated October 14, 2013, from Dean Beauchamp in opposition to the application
21. Communication dated October 15, 2013, from Heather Bonito in opposition to the application
22. Communication dated October 15, 2013, from Bill Elliott, President and CEO, Fort Whyte Alive, in support of the application, submitted by Tony Teixeira at the public hearing
23. Communication dated October 14, 2013, from Ron Cummer, in support of the application, submitted by Tony Teixeira at the public hearing

24. Communication dated October 14, 2013, from John Van Dasselaar, in support of the application, submitted by Tony Teixeira at the public hearing
25. Petition (158 pages) in opposition to the application purporting to contain the signatures area residents, submitted by Kim Poitras at the public hearing
26. Communication undated, from Janis and Mike Szyszkowski, in opposition to the application, submitted by Betty Thiessen at the public hearing
27. Communication undated, in opposition to the application, from John Nowostawski
28. Communication dated October 15, 2013, from Paul Bonito in opposition to the application
29. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ron Cummer
Justin Giasson
Bryan Millar
Tony Teixeira
John Van Dasselaar
Jackie Wilkie
John Wintrup

In Opposition

Gudrun Antosh
Ed Balawyder
Edna Balawyder
Larry Barr
Sally Barr
Dean Beauchamp
Elena Beauchamp
Albert Bernshine
Daniel Blaikie
Fred Bobrowski
Ken Bohn
Annette Bohn
Paul Bonito
Heather Bonito
Bruce Bird
Carol Bird
Ken Burfoot
Melissa Burgess
Gordon Byman
Eunice Byman
Brenda Cannon
Scott Donald
Wes Dropko
Sarah Dropko
Greg Ewankiw
Colleen Ewankiw
Rene Faucher
Dean Finlay
Cheryl Freeman
Angelo Gabriel
Barry Gladu
Jerri Gladu
Peter Goertzen
Denise Goertzen
Margaret Harasym
Linda Hughes
Wayne Hughes
Joan Knisley
Emil Kowalski
Donna Kowalski
Dianne Kulchiski
Daniel Lambert
Dwayne Lee
Patrice Lee
Pam Lucenkiw
Dollard Marion
Greg Matthes
Nola Matthes
Tim Maughan
Jojo Maughan
Joyce Maughan
Martin Munsters
Jessica Naumik
Oscar Noe
Martha Noe
John Nowostawski
C. Nowostawcki
Joe Patenadue
Kim Poitras
Richard Poitras
Steve Poitras
Robert Pyda
John Rozall
Theresa Rozall
Merlin Shoesmith
Linda Snell
Janis Szyszkowski
Mike Szyszkowski
Betty Thiessen
Brent Tingey

For Information:

Bill Elliot

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 34/2013

ADMINISTRATIVE REPORT

Title: DASZ 34/13 – Valde Av at Day St

Issue: For consideration at the public hearing to create two industrial properties zoned "M2" Manufacturing General district and "M3" Manufacturing Heavy district

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 34/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2013 dated September 10, 2013 with such minor changes as may be required, and 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 September 4, 2013.

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 34/2013 dated September 10, 2013, to an "M3" Manufacturing Heavy district subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures,

fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 lots, 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 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-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 the 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 year form the date the by-law is passed, and the subject property's designation in the Complete Communities Direction Strategy is amended by Council from "Recent Communities" to "Employment Lands", with a "General Manufacturing" sub-designation.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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 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 intends to adjust existing lot lines to create two new lots.
- The proposed north lot will accommodate a concrete batch plant and will be zoned "M3" Manufacturing Heavy district, while the proposed south lot will accommodate a contractor's establishment, a warehouse, and commercial retail units and will retain its existing "M2" Manufacturing General district zoning.
- This application is being considered in concurrence with a proposed amendment to the Urban Structure Map of the Complete Communities Direction Strategy as part of the Annual Complete Communities Update 2013 to redesignate the Griffin neighbourhood from "Recent Communities" to "Employment Lands", with a "General Manufacturing" subdesignation.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

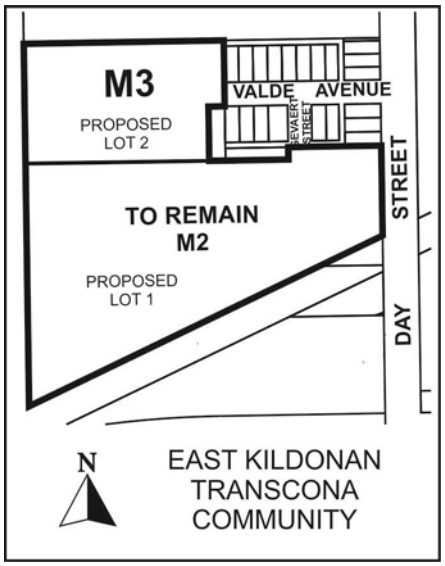
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	September 10, 2013
File No.	DASZ 34/13

APPENDIX 'A'

DATE: September 10, 2013
FILE: DASZ 34/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.426

SUBJECT: To rezone a portion of the subject property from "M2" Manufacturing General district to "M3" Manufacturing Heavy district to allow for the future development of a concrete plant

LOCATION: Lot 35 Day St and Lot 23 Valde Av



APPLICANT: Tony Teixeira
JC Paving Ltd
3000 Main St
West St. Paul MB R2V 4T2

OWNER: JMT Holdings Inc.
Tony Teixiera
3000 Main St
West St. Paul MB R2V 4T2

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to adjust existing lot lines to create two new lots.

- The proposed north lot will accommodate a concrete batch plant and will be zoned “M3” Manufacturing Heavy district, while the proposed south lot will accommodate a contractor’s establishment, a warehouse, and commercial retail units and will retain its existing “M2” Manufacturing General district zoning.
- This application is being considered in concurrence with a proposed amendment to the Urban Structure Map of the Complete Communities Direction Strategy as part of the Annual Complete Communities Update 2013 to redesignate the Griffin neighbourhood from “Recent Communities” to “Employment Lands”, with a “General Manufacturing” subdesignation.

SITE DESCRIPTION

- The subject property is located off Valde At at Day St in the Griffin neighbourhood of the Transcona ward.
- The subject property is 14.3 acres in area and is currently vacant. It is comprised of two lots – Lots 23 and 35 of Plan 20840. Both lots are zoned “M2” Manufacturing General district.
- Adjacent properties include a number of small industrial properties to the northeast along Valde zoned “M2”, a warehouse industrial use to the north zoned “M2”, railway tracks, and beyond, an industrial use to the south zoned “M2, and the Transcona Bioreserve green space to the west zoned “A” Agricultural district.

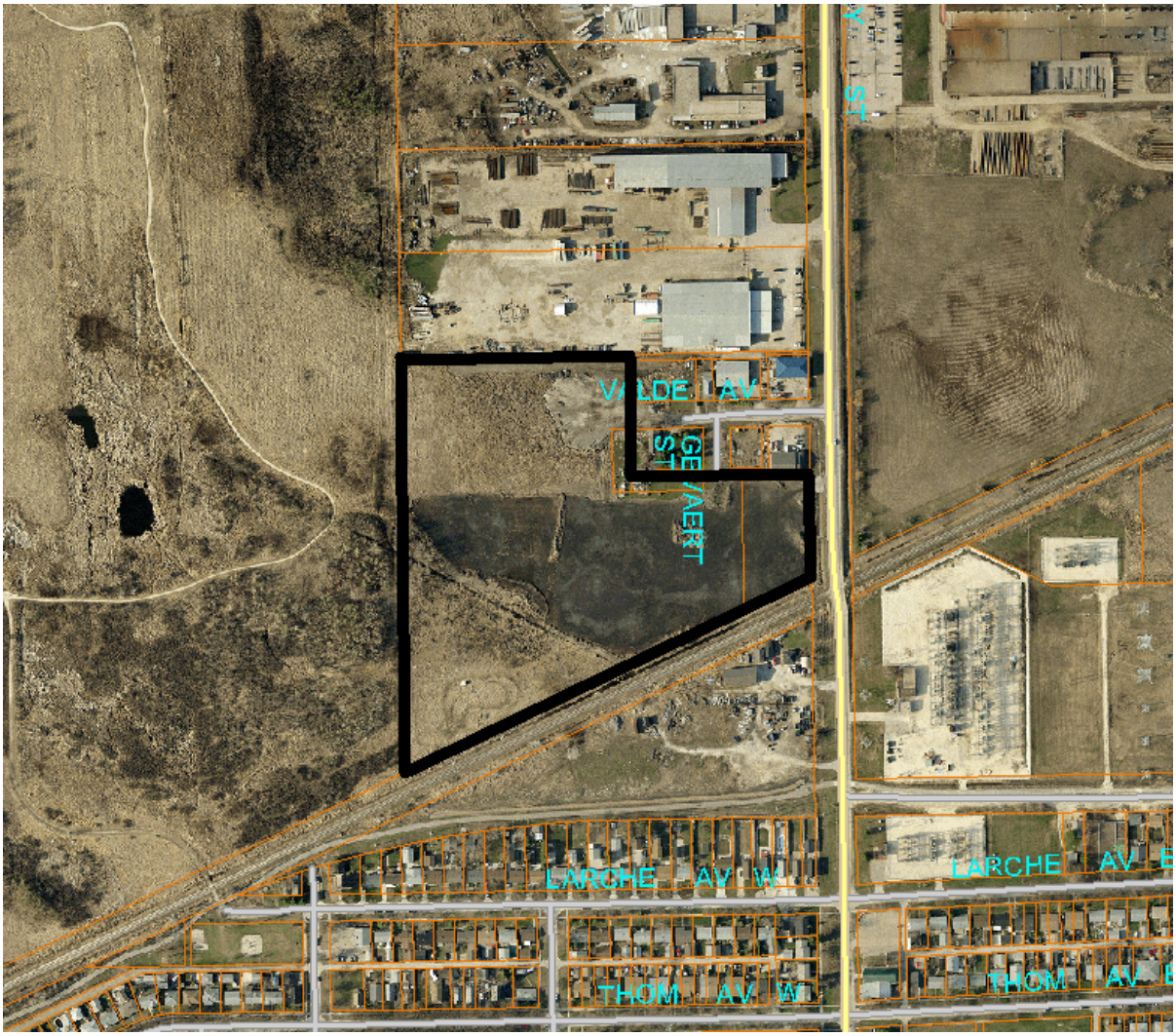


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to adjust existing lot lines to create two new lots.
- The north lot will take access directly off Valde Av and will be zoned “M3” Manufacturing Heavy district. The applicant is proposing to establish a concrete batch plant.
- The south lot will take access directly off Day St, with secondary accesses being provided via Gevaert St and the proposed batch plant. It will be zoned “M2” Manufacturing General district. A proposed site plan submitted with the application indicates a contractor’s establishment use, a warehouse, and commercial retail units.
- This proposed site plan also indicates the provision of a 5 ft. berm with a 10 ft. tall fence on top of it running along the south property line adjacent to the rail line.

BACKGROUND

Annual Complete Communities Update 2013

- The Griffin neighbourhood is currently designated as a “Recent Community” (Area of Stability) in the Complete Communities Direction Strategy. Recent Communities are primarily residential areas that were planned after 1950 and contain a mix of low and medium density housing with nearby retail amenities.
- An “M3” Manufacturing Heavy zoning district would not be consistent with the Recent Community policies of Complete Communities; it would be more appropriate in an area designated “General Manufacturing” (Employment Lands). However, it is felt that the existing designation is not reflective of the character of the area.
- As a result, the Urban Planning Division is recommending that the Griffin neighbourhood be redesignated from a Recent Community to a General Manufacturing area as part of the Division’s Annual Complete Communities Update. This report will be considered at Executive Policy Committee on September 11, 2013.
- Note that the Griffin area was designated as “Industrial Policy Area” in the City’s previous development plan, Plan Winnipeg 2020.

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 has statutory authority as a secondary plan. The strategy serves 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.
- The subject property is classified as an “Area of Stability” in Complete Communities’ Urban Structure map. Areas of Stability are primarily understood as the residential areas where the majority of Winnipeggers currently live. They will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Within this category, the subject property is identified as a “Recent Community”.

Zoning

- The Manufacturing General (M2) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
- 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.

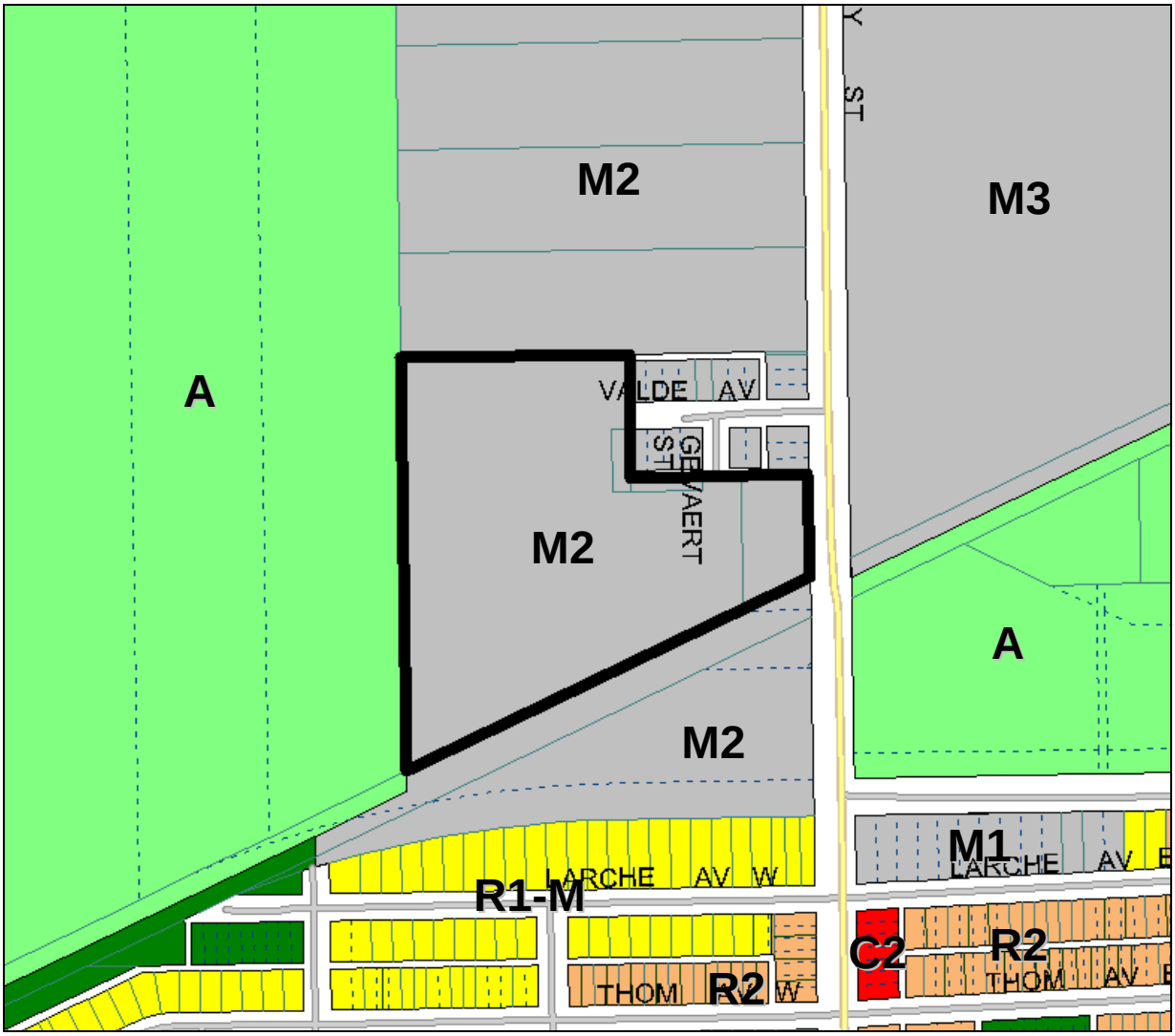


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 152 of Zoning By-law No. 200/06 prescribes dimensional standards for the "M2" and "M3" zoning districts.

	Min. Lot Area (sq. ft.	Min. Lot Width (ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side	Min. Corner Side	Max. Height of	Max. Floor Area

					Yard (ft.)	Yard (ft.)	Building (ft.)	
M2	NA	NA	25	0	0	15	100	2.0
M3	NA	NA	25	0	0	15	150	3.0

Figure 3: Dimensional standards for the "M2" and "M3" zoning districts

Compatibility with the surrounding neighbourhood

- The Urban Planning Division does not have concerns about the compatibility of the proposed development. The Griffin neighbourhood is comprised exclusively of properties zoned either "M2" or "M3", which is consistent with this proposal.
- The subject property backs onto the Transcona Bioreserve which, as a former industrial property itself, is bounded along its east property line by industrial properties off Day St. The intensification of the subject property will not impact the usability of this green space any more than its other neighbours.

Site design issues

- Plan approval is recommended as a condition of approval. This will help ensure that the site will be developed to a high standard.
- The Urban Planning Division is concerned with buffering the adjacent rail line to the south. It may become tempting for nearby residents to trespass across the rail line to access the commercial retail units on the site. A fence should be provided along the entire south property line to prevent this from occurring.

RECOMMENDATION

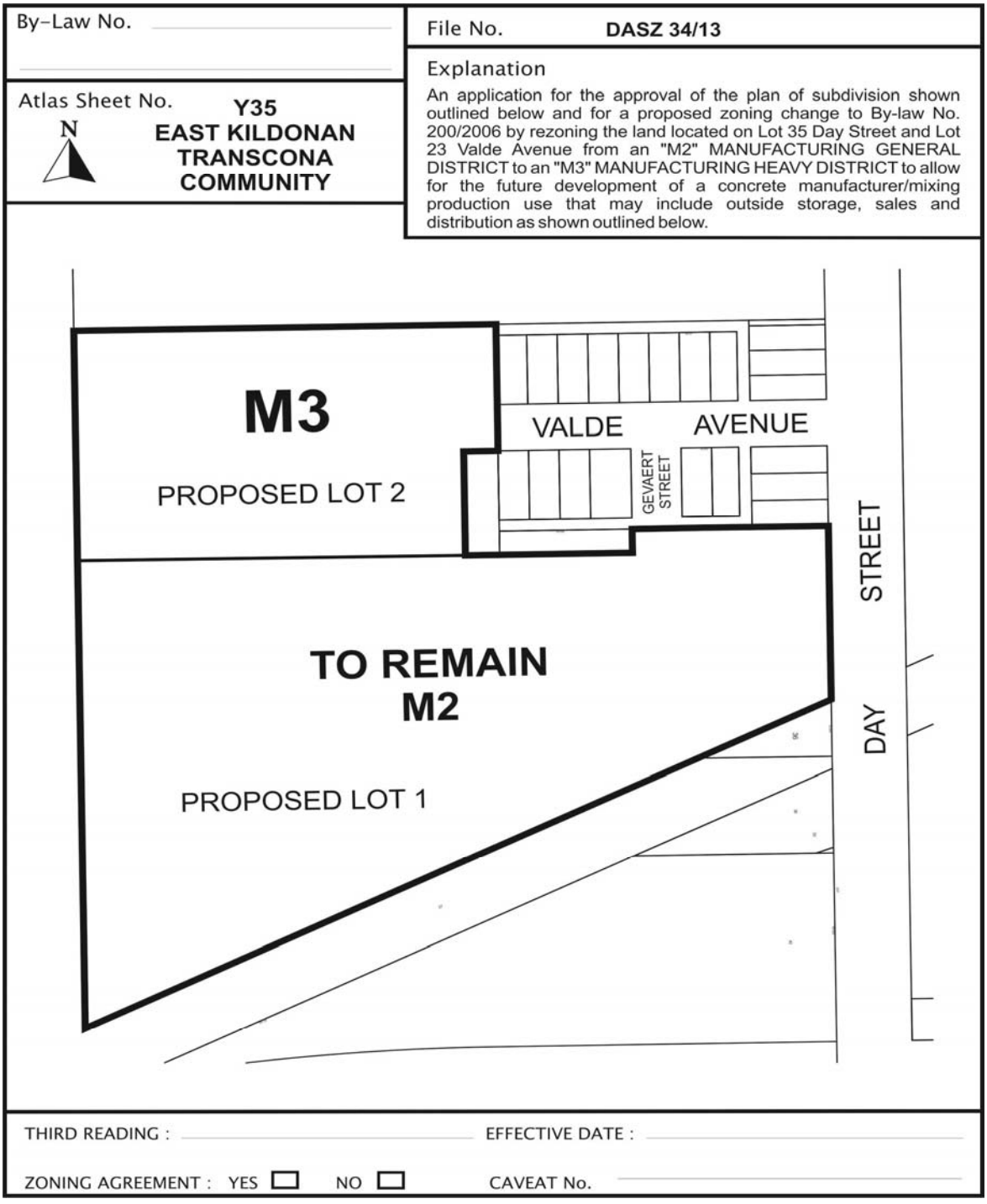
The Urban Planning Division is supportive of the proposed application as it is compatible with the surrounding "M2" and "M3"-zoned uses in the rest of the Griffin neighbourhood. It is also not anticipated to create any negative impacts on the Transcona Bioreserve green space which, as a former industrial property itself, is already bounded by industrial properties all along its east property line.

The approval of this DASZ application is subject to the successful redesignation of the site from "Recent Communities" to "Employment Lands" in the Urban Structure Map of the Complete Communities Direction Strategy as per 2013 Complete Communities Annual Report to be considered by Executive Policy Committee on September 11, 2013.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 34/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 34/13, East Kildonan-Transcona Community Committee, dated September 10, 2013.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – SEPTEMBER 4, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE WEST SIDE OF DAY STREET, NORTH OF LARCHE AVENUE LOT 35 DAY STREET AND LOT 23 VALDE AVENUE - DASZ 34/2013

It is recommended that the approval of DASZ 34/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. ENGINEERING REPORTS AND SERVICING CRITERIA

The Developer shall provide a servicing report prepared by a municipal engineer, which will include fire flow analysis, land drainage storage requirements, and expected wastewater flows.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

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

2. Watermains

   The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

3. Land Drainage Sewers

   The Developer shall, at no expense to the City, construct and install land drainage sewers and storage facilities required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. Valde Avenue Improvements

   The Developer shall, at no expense to the City, construct a portland cement concrete pavement as an urban cross-section to a width of 10.0 metres by 200 millimetres in thickness in Valde Avenue from Day Street to the existing westerly terminus of the Valde Avenue right of way and all related works including but not limited to wood pole street lighting and boulevard/ditch sodding all as determined by and to the satisfaction of the Director of Public Works.

5. Utilities

   a. 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, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

   b. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

6. Litter and Refuse Control and Clean-Up

   The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-side and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of 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.

7. Construction Traffic

   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.

8. Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

   The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

   a. 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 and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

   b. The Developer shall pay the full cost of construction and landscaping supervision 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

Prior to the release of the subdivision mylars for registration in the Land Titles Office, the Developer shall pay to the City, to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement, an administration fee, calculated as follows:

14.30 acres x $1,200/acre =	$17,160.00
G.S.T. (5%) =	$858.00
Total ……..	$18,018.00

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 34/2013
September 4, 2013

[Original Signed by]

K.T. Raban, P. Eng.,
Land Development Branch

[Original Signed by]

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

[Original Signed by]

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