Minute No. 406
Report – Executive Policy Committee – April 16, 2014

Item No. 4 **Rezoning – Northeast Corner of Wilkes Avenue and Kenaston Boulevard (Charleswood – Tuxedo Ward) File DAZ 201/2014**

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/14 dated March 31, 2014 to a "M1" Light Manufacturing zoning district, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated March 27, 2014.

    B. 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. 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, fencing, landscaping, garbage enclosures and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (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.

Report – Executive Policy Committee – April 16, 2014

COUNCIL DECISION (continued):

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.

Report – Executive Policy Committee – April 16, 2014

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 April 16, 2014, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2014, the Assiniboia 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 – Northeast Corner of Wilkes Avenue and Kenaston Boulevard**
File DAZ 201/2014

For submission to: **Executive Policy Committee**

Prepared by: **Destiny Watt, Committee Clerk**
Assiniboia Community Committee

Report date: **April 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2014, the Assiniboia 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/14 dated March 31, 2014 to a "M1" Light Manufacturing zoning district, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated March 27, 2014.

    B. 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. 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, fencing, landscaping, garbage enclosures and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (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.

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

1. This is a great project and it is very exciting for the Charleswood – Tuxedo ward.

PUBLIC HEARING SUMMARY

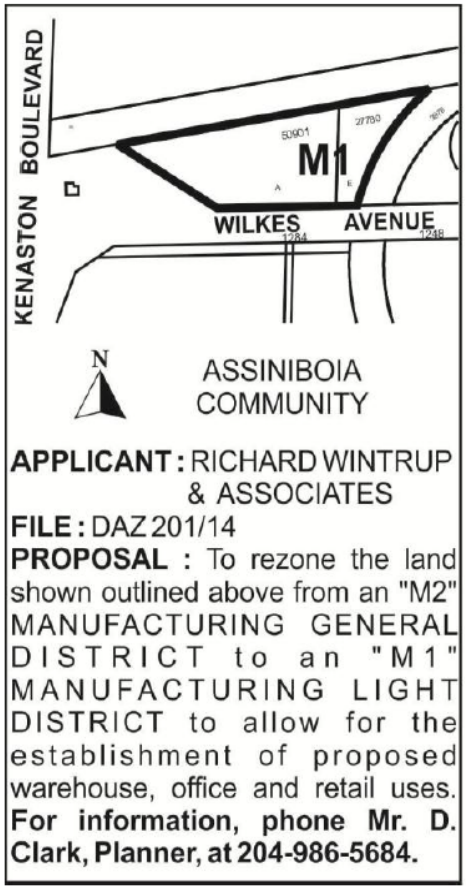
File: DAZ 201/2014

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

Public Hearing: April 8, 2014
Council Building, 510 Main Street

Applicant: Richard Wintrup and Associates
(John Wintrup)

Subject:



Premises Affected: Northeast Corner of Wilkes Avenue and Kenaston Boulevard

Exhibits Filed:

1. Application dated February 7, 2014
2. Notification of Public Hearing dated February 26, 2014
3. Manitoba Status of Title 2507287/1
4a. Letter of authorization dated November 29, 2013 from 5185603 Manitoba Ltd. to Long Holdings Inc.
4b. Letter of authorization dated December 3, 2013 from Long Holdings Inc. to Richard Wintrup and Associates
5. Surveyor's Building Location Certificate and sketch dated June 27, 2011
6. Caveat 4033439
7. Plans (2 pages)
8. Report from the Urban Planning Division dated March 31, 2014
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Wintrup, Richard Wintrup and Associates

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 201/2014

ADMINISTRATIVE REPORT

Title: DAZ 201/14 NE Wilkes & Kenaston

Issue: An application for consideration at the Public Hearing to rezone the land from the "M2" General Manufacturing zoning district to "M1" Light Manufacturing zoning district for the purposes of establishing a commercial and warehouse multi-tenant building.

Critical Path: Assiniboia 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/14 dated March 31, 2014 to a "M1" Light Manufacturing zoning district, subject to the following conditions:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated March 27, 2014.

   B. 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. 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, fencing, landscaping, garbage enclosures and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the subject property from "M2" General Manufacturing to "M1" Light Manufacturing for the purposes of establishing a commercial and warehouse multi-tenant building.
- 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 rezoned from "M2" to "M1."

HISTORY

- On September 26, 2007, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the City-owned property be declared surplus and made available for sale.

- Currently there is a 300mm watermain and two water feedermains in Wilkes Avenue fronting the subject property. However, there is no wastewater sewer or land drainage sewer fronting the property. The wastewater sewer currently ends approximately 70 metres east of the property and the land drainage sewer ends at Lorimer Boulevard. As such, the developer of this property would be required to extend the two sewers, at its cost.

- The land has been sold to the current owner without servicing and a railway trespass fence being completed. In order for the land to be developed, it is required that the current owner fulfill the obligations of the servicing agreement outlined in this report.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	Devin Clark
Date:	March 31, 2014
File No.	DAZ 201/14

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” Recommended File No. DAZ 201/14 Assiniboia Community Committee, dated March 31, 2014.
3. Schedule B – Report of the Administrative Coordinating Group, dated March 27, 2014.

APPENDIX 'A'

DATE: March 31, 2014

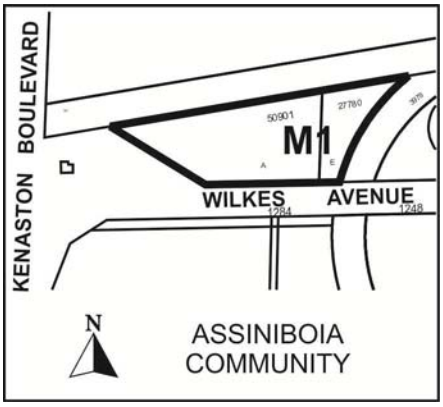
FILE: DAZ 201/14
RELATED FILES: N/A

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.668

SUBJECT: To rezone the land from "M2" General Manufacturing to "M1" Light Manufacturing.

LOCATION: Unaddressed land near Wilkes and Kenaston

LEGAL DESCRIPTION: PCL E PLAN 27780 57/60 ST B PCL A PLAN 50901 61/63 ST B



APPLICANT: Richard Wintrup & Associates
29 BENSON BLVD.
OAK BLUFF MB R4G 0A2

OWNER: 5185603 Manitoba Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the subject property from "M2" General Manufacturing to "M1" Light Manufacturing for the purposes of establishing a commercial and warehouse multi-tenant building.

- The Urban Planning Division recommends approval of this application subject to conditions in the servicing agreement and zoning agreement.

SITE DESCRIPTION

- The subject property is located on the north side of Wilkes Ave. east of Kenaston Blvd. in the Tuxedo Industrial neighbourhood of the Charleswood – Tuxedo ward.
- The site is currently vacant and contains a significant stand of trees (approximately 94,000 square feet).
- Under the Complete Communities Direction Strategy, the site falls within the Employment Lands, General Manufacturing policy area.

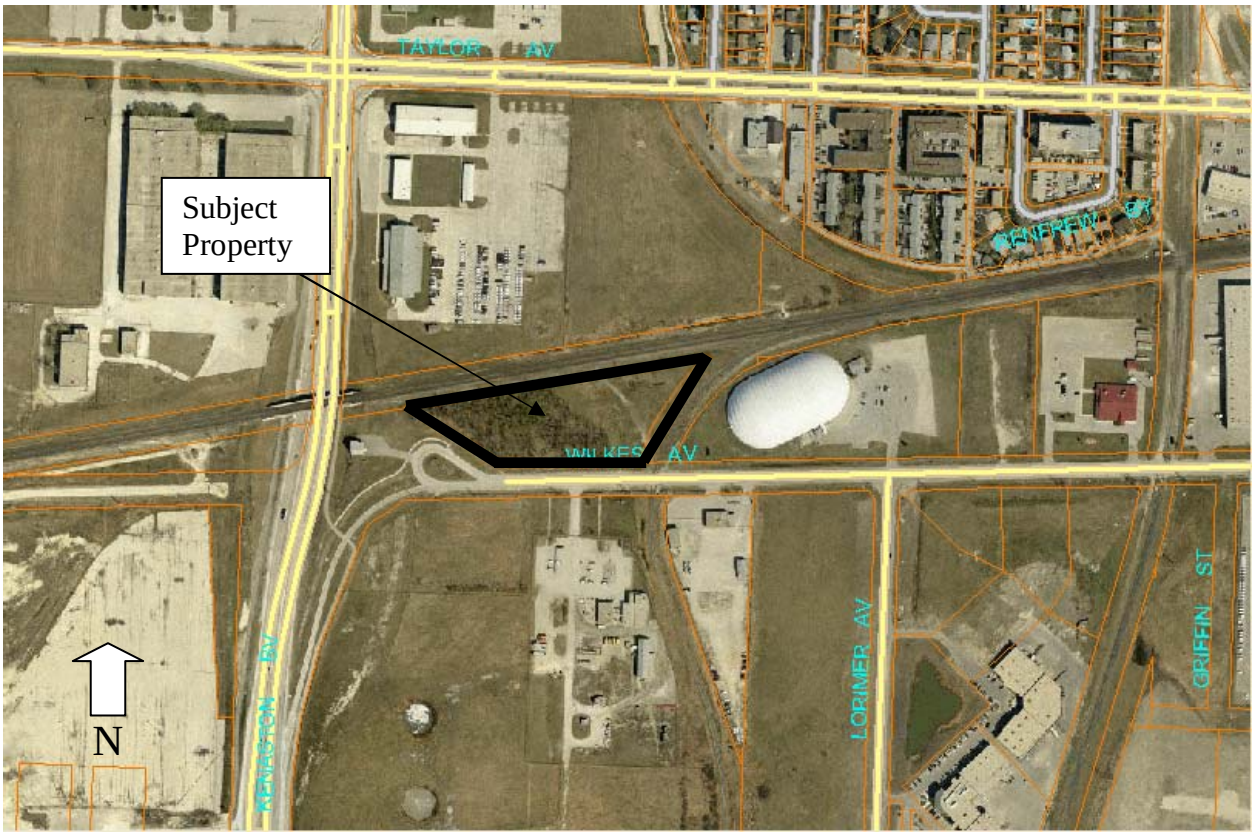


Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: CN railway then military base lands zoned “RR5” Rural Residential 5.

South: Wilkes Avenue then industrial lands zoned “M2” General Manufacturing.

East: The Golf Dome zoned "M2" General Manufacturing.

West: Kenaston Blvd. then vacant land zoned "C4" Commercial Regional.

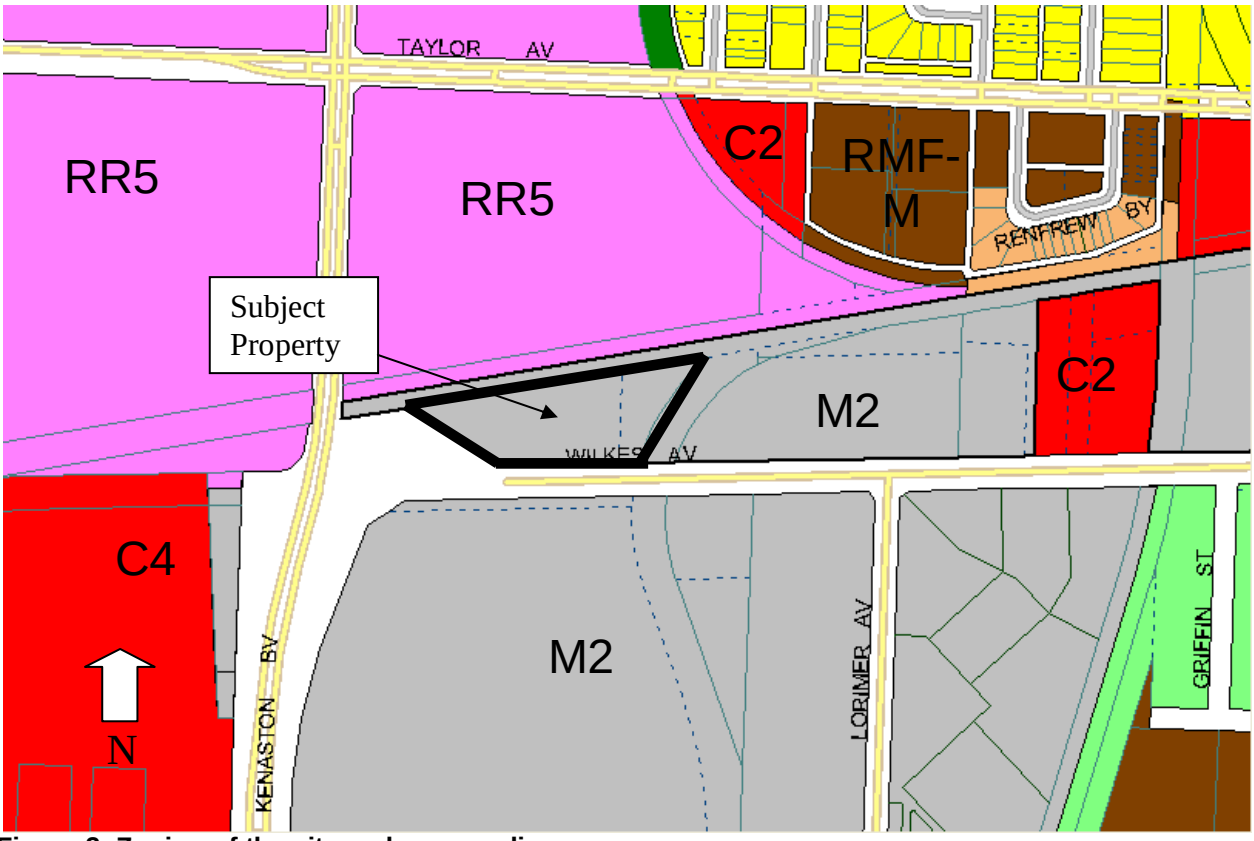


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from "M2" General Manufacturing to "M1" Light Manufacturing for the purposes of establishing a commercial and warehouse multi-tenant building.
- The applicant states that the proposal is for a 30,000 square foot building with the following floor areas:
    - 9,500 sq ft showroom;
    - 5,000 sq ft. administration offices & lessons rooms;
    - 2,000 sq ft. of warehouse space for storage of music gear;
    - 2,000 sq ft loading space for rental gear pick up/drop off;
    - 1,500 sq ft maintenance space;
    - 10,000 sq ft lease space for other tenants.
- Submitted plans are conceptual and reflect a Long and McQuade building that has been constructed in Alberta.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Employment Lands policy area in the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Employment Lands includes:
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.
    - Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary.
    - Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.

ZONING BY-LAW 200/2006

Zoning By-law 200/2006 states that all manufacturing zoning districts are generally intended to:

(a) Provide appropriately located areas consistent with Plan Winnipeg for industrial and employment purposes, and limit non-industrial uses that may erode the supply of industrial lands that are well-located and serviced to accommodate industrial development; and

(b) Ensure that the appearance of industrial buildings and lands are of high quality and are compatible with the area in which they are located.

Manufacturing Light

The Manufacturing Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.

LAND USE BY-LAW

Rezoning

- The “M1” zoning district is intended for light manufacturing, processing, service, storage, wholesale, and distribution operations. Within the employment lands policy area in *Complete Communities* there are provisions that allow for commercial retail and personal services that are subordinate to and supportive of primary employment uses.

- The Urban Planning Division believes that the proposed music warehouse and sales facility is consistent with the objectives in both the Zoning By-law and *Complete Communities* Direction Strategy.
- The subject property is located at the edge of the employment areas boundary and the rezoning provides opportunities for land uses that will establish a reasonable transition between employment land uses to the south and lands to the north (currently used for military purposes and residential uses).

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed zoning district and use is generally compatible with the surrounding area. The area has transitioned in recent years and many uses along Wilkes Ave. and Lorimer Blvd. offer commercial services and office uses that are permitted within the M1 and M2 zoning districts and are in line with the existing industrial nature of the area.

ENVIRONMENTALLY SENSITIVE NATURAL LANDS (ESNL)

A portion of the subject lands is designated grade B natural lands. The following is an excerpt from the City's Naturalist Services website that describes the subject site - http://winnipeg.ca/publicworks/naturalist/ns/natural_areas/NA_Reports/832.html

A small area of forest with a good mix of native species. There are some large oak trees and a number of balsam poplars; however, there is evidence of past dumping in the area. Parts of the understory are dominated by exotic weeds. A pair or Swainson's Hawks is currently nesting in the area and appear to have been using this area to nest for a number of years.

As part of the sales agreement, the City did not place conditions on the property requiring the preservation of these natural lands. However, the Urban Planning Division would encourage the applicant to consider preserving as much of the tree-stand as possible when designing the layout of the commercial and warehouse uses on the site.

SITE DESIGN and PLAN APPROVAL

Design considerations at the plan approval stage should include the following:

1) Site layout, showing location of buildings, landscaping, accessory parking, fencing and garbage enclosures. Colour renderings showing elevations should also be included.
2) Fencing plans should be provided showing the design and location of fencing on the site. Of significance, fencing along the north property line should be provided in concordance with the servicing agreement on the site.
3) Garbage enclosures should be constructed in a manner that uses high quality building materials and conceals the visibility of garbage bins.

4) Existing tree stand at the west edge of the property - During the design phase, consideration should be given to preserving as much of the existing tree-stand as possible.

RECOMMENDATION

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

- The proposal is generally consistent with the policies of the Complete Communities Direction Strategy and the Urban Planning Division believes the commercial use is compatible with industrial uses of the area.
- The proposed rezoning allows commercial, industrial and warehouse opportunities that are compatible with the existing context, providing a reasonable buffer between employment lands to the south and residential lands to the north.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Devin Clark
PPD File # DAZ 201/14

Schedule "A" for File No. DAZ 201/2014, Assiniboia Community Committee, dated March 31, 2014

By-Law No. _____

File No. **DAZ 201/14**

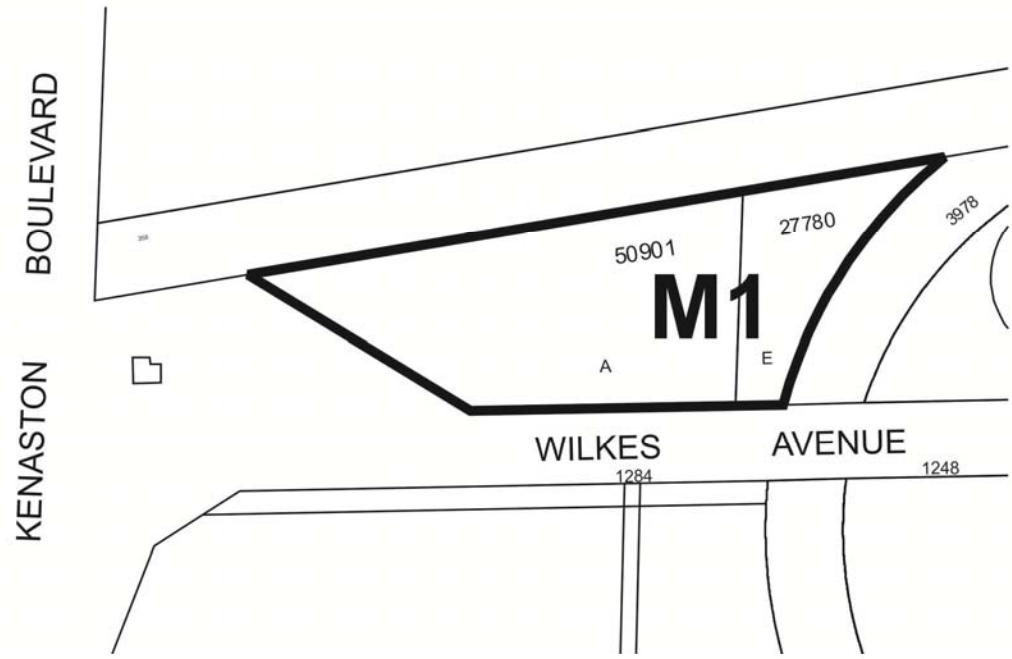
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on the northeast corner of Wilkes Avenue & Kenaston Boulevard from an "M2" MANUFACTURING GENERAL DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT to allow for the establishment of proposed warehouse, office and retail uses as shown outlined below.

Atlas Sheet No.

N

AE20 ASSINIBOIA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – March 27, 2014

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT THE NORTH EAST CORNER OF WILKES AVENUE AND KENASTON BOULEVARD - DAZ 201/2014

Committee is advised that the Planned Area is subject to Caveat No. 4033439 describing the City's interest in the land pursuant to a Servicing Agreement AG 400/2010.

The subject works described by the Caveat, consisting of off-site servicing and railway trespass fencing, have not been started (nor completed), but are required in order for the site to be developed. It is therefore recommended that the approval of DAZ 201/2014, if granted, be subject to the developer satisfying the obligations described in the aforementioned Caveat by,

1. Providing satisfactory evidence that 5185603 MANITOBA LTD. will fulfill all conditions contained in Servicing Agreement AG 400/2010 on behalf of the developer, or, by;

2. Accepting an assignment of Servicing Agreement AG 400/2010 from 5185603 MANITOBA LTD. and subsequently satisfying all conditions contained therein;

   or, in the event that items 1. or 2. above do not proceed, by;

3. Entering into a new Servicing Agreement with the City addressing the following items;

SECTION I –SERVICES

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct the wastewater sewer required to service the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

2. Land Drainage Sewers

   The Developer shall, at no expense to the City, construct the land drainage sewer required to service the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

3. Railway Trespass Mitigation Fence

   To ensure that pedestrian trespass to the railway tracks does not become a consequence of the development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the CNR Rivers Subdivision and CNR Canada Cement Spur railway

lines, the Developer shall, at no expense to the City, construct within the Planned Area abutting the CNR Rivers Subdivision and CNR Canada Cement Spur, a uniform, 2.0-m-high fence, as determined by and to the satisfaction of the Director of Public Works, maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director, and permit the City to file a caveat against the title of each such lot requiring the owner(s) of those lots to fulfill those obligations.

4. Litter and Refuse Control and Clean-Up

The Developer shall, at no expense to the City, initiate and control the regular cleanup 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 completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

5. 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 plan 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 this Agreement and the physical development of the Planned Area.

2. Professional Fees

i. The Developer shall pay the full cost of all design services, including servicing reports, construction drawings and specifications, and grading plans and specifications, to be provided by a Consulting Engineer approved by the City, for the design of the municipal services and associated works required to serve the Planned Area;

ii. The Developer shall pay the full cost of construction 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 services related to the installation and acceptance of municipal services and all associated works to serve the Planned Area.

3. Administration Fee

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

I.	3.61 acres x $1,200/acre	$4,332.00
II.	G.S.T. (5%)	216.60
	TOTAL …….	**$4,548.60**

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 201/2014

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

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

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