Agenda – Executive Policy Committee – July 6, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 2 Subdivision and Rezoning – Northwest Intersection of King Edward Street and Inkster Boulevard (Old Kildonan Ward) File DASZ 39/2015

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation from the Lord Selkirk-West Kildonan Community Committee, and submitted the following to Council:

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule V the Inksbrook Employment Lands Planned Development Overlay-2 (PDO-2 Inksbrook Employment Lands), attached as Appendix "B" ('Schedule V'), with the following changes:

    i. In Section 6 delete (11) Heavy Manufacturing

    ii. Add the following section after section 6:
    Notwithstanding other provisions of this By-law, in the PDO-2 INKSBROOK EMPLOYMENT LANDS Area 1, the following principal uses shall be conditional in addition to the conditional uses of the underlying M1 zoning district:
    (1) Heavy Manufacturing

    iii. Add the following use specific standard as a new section following Section 13 to read as follows:
    <u>Auction Yard</u>
    (1) Outside operations are not permitted
    (2) Outside storage is not permitted

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

iv. Add the following section:
Plan Approval
That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee 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 the plan of subdivision proposed under File DASZ 39/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2015 dated Feb. 3, 2016 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 shall fulfill all the conditions outlined in the report of the Administrative Coordinating Group dated March 9, 2016 which is Schedule "B" of this report.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 39/2015 dated Feb. 5, 2016 to an "M1" Industrial District and a "C2" Commercial District.

4. The Developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined by the City and prior to the release of subdivision mylars by the City.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law comes into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend Recommendation 1 by adding the following:
  "iv. Add the following section:
  Plan Approval
  That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee 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."

- Add new Recommendation No. 4 as follows:
  "4. The Developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined by the City and prior to the release of subdivision mylars by the City."

- Renumber the balance of Recommendations accordingly,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2016, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for a subdivision and rezoning under File DASZ 39/2015 be rejected.

On May 17, 2016, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on June 14, 2016 at 5:00 p.m. in the Council Building at 510 Main Street, pending further information from the Winnipeg Public Service.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On April 19, 2016, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on May 17, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – Northwest Intersection of King Edward Street and Inkster Boulevard**
File DASZ 39/2015

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

Prepared by: **Ms I. Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **June 16, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2016, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 39/2015 be rejected.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. Key components such as active transportation and greenspace have been missed, which is a deficit in North Winnipeg, as well as other moving targets, in terms of a school and the Chief Peguis Trail.

2. Although the applicant would like to have complete flexibility, more details are required as it is hard to judge the plan with the information that has come forward.

3. We would like to work together with the Applicant in the near future but at this point, this is the recommendation we are putting forward.

PUBLIC HEARING SUMMARY

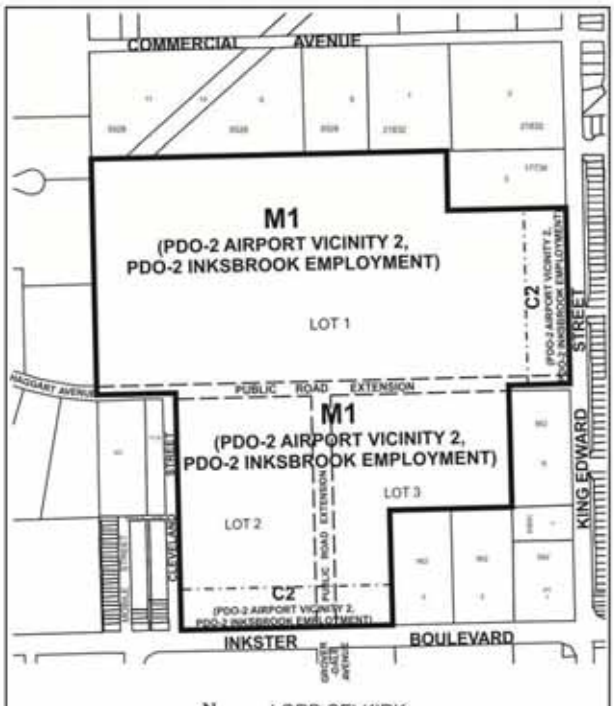
File: DASZ 39/2015

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: June 14, 2016
May 17, 2016
April 19, 2016
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



APPLICANT : RICHARD WINTRUP & ASSOCIATES
FILE : DASZ 39/15
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A PDO-2 AIRPORT VICINITY 2" AGRICULTURAL DISTRICT to an "M1 PDO-2 AIRPORT VICINITY 2, PDO-2 INKSBROOK EMPLOYMENT" MANUFACTURING LIGHT DISTRICT and a "C2 PDO-2 AIRPORT VICINITY 2, PDO-2 INKSBROOK EMPLOYMENT" COMMERCIAL COMMUNITY DISTRICT to allow for the creation of lots, the establishment of right-of-ways by the extension of Haggart Avenue and Groverdale Avenue and the establishment of a new Planned Development Overlay "PDO-2 Inksbrook Employment Lands" as Schedule V. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected:	Northwest Intersection of King Edward Street and Inkster Boulevard

Exhibits Filed:

1. Application dated February 4, 2016
2. Notification of Public Hearing dated February 11, 2016
3. Manitoba Status of Titles 2723259/1, 2723266/1, 2723279/1, 2723285/1, 2746131/1 and 2746138/1
4. Letter of authorization dated August 26, 2015 from Richard Morden and Geoff Hwang, 2113686 Manitoba Ltd. to Richard Wintrup & Associates
5. Plans (8 pages)
6. Report from the Urban Planning Division dated April 12, 2016
7. Inspection Report
8. Notice of Adjournment dated April 22, 2016
9. Notice of Adjournment dated May 24, 2016
10. Revised Report from the Urban Planning Division dated June 7, 2016
11. PowerPoint Presentation titled "Inkster Mixed-Use Development" submitted by John Wintrup, Richard Wintrup & Associates, Applicant, at the public hearing
12. Inksbrook Mixed-Use Development-Public Engagement Report", submitted by John Wintrup, Richard Wintrup & Associates, Applicant, at the public hearing
13. Proposed Amendments to the Report of the Administrative Coordinating Group, submitted by Tat-Liang Cheam, Nejmark Architect, at the public hearing
14. Recording of Representations of public hearing held on June 14, 2016

REPRESENTATIONS:

In Support:

Tat-Liang Cheam, Nejmark Architect
Don Fairgrieve-Park
Rob Forbes
Noah Hughes
Greg Karman
Glen Manning
Martin McGarry
Marissa Poseluzney
Lesley Rempel

In Support (continued):

Michelle Richard, Richard Wintrup & Associates
Vi Sam
Robert Scaletta
Gurminder Singh
Harchand Singh
John Wintrup, Richard Wintrup & Associates

In Opposition

Nil

For Information:

Michael Falk
Matt Glavin

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 39/2015

ADMINISTRATIVE REPORT

Title: DASZ 39/2015 – NW King Edward and Inkster - Revised

Issue: For consideration at the Public Hearing to rezone land from an "A" Agricultural District to an "M1" Industrial District and a "C2" Commercial District.

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Critical Path: LSWK Community Committee – Standing Policy Committee - 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 Schedule V the Inksbrook Employment Lands Planned Development Overlay-2 (PDO-2 Inksbrook Employment Lands), attached as Appendix "B" ('Schedule V'), with the following changes:

    i. In Section 6 delete (11) Heavy Manufacturing
    ii. Add the following section after section 6:
    Notwithstanding other provisions of this By-law, in the PDO-2 INKSBROOK EMPLOYMENT LANDS Area 1, the following principal uses shall be conditional in addition to the conditional uses of the underlying M1 zoning district:
    (1) Heavy Manufacturing
    iii. Add the following use specific standard as a new section following Section 13 to read as follows:
    Auction Yard
    (1) Outside operations are not permitted
    (2) Outside storage is not permitted

2. That the plan of subdivision proposed under File DASZ 39/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2015 dated Feb. 3, 2016 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 shall fulfill all the conditions outlined in the report of the Administrative Coordinating Group dated March 9, 2016 which is Schedule "B" of this report.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 39/2015 dated Feb. 5, 2016 to an "M1" Industrial District and a "C2" Commercial District.

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 the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles.

9. 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.

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 is proposing to rezone the subject lands to "M1" Industrial District and "C2" Commercial District and create a PDO-2 Planned Development Overlay District for the +/-120 planned area that will be known as the Inksbrook Employment Lands.
- The rezoning/ PDO 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.
  The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the application be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject lands can be rezoned to an “M1” Industrial District and “C2” Commercial District.
- The proposed Inksbrook Employment Lands Planned Development Overlay-2 will be added to Zoning By-law 200/2006 as a new schedule.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

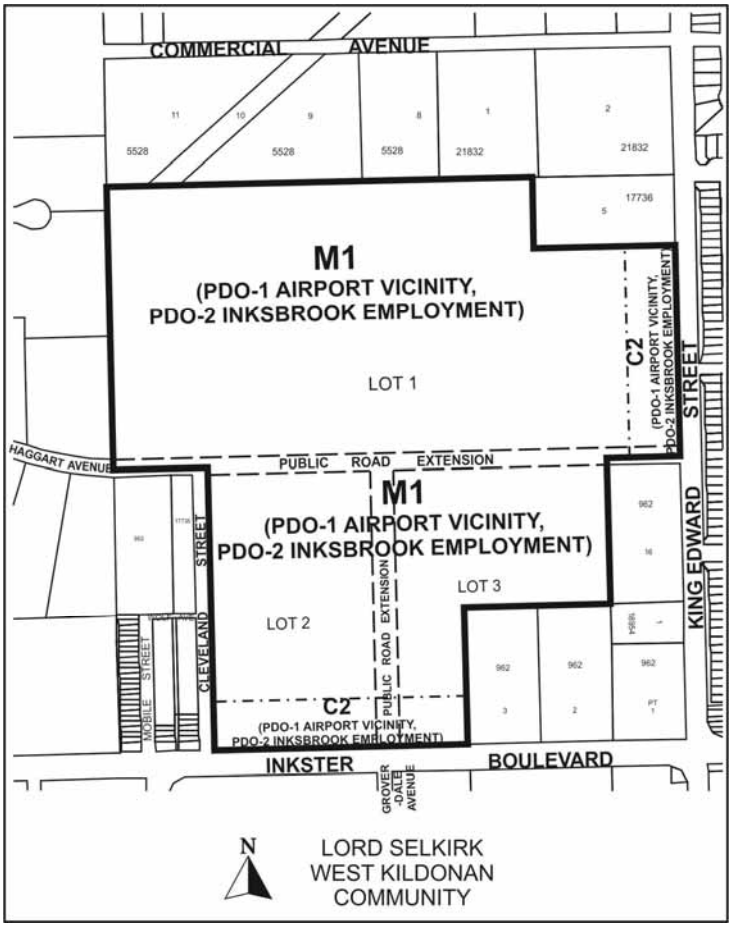
Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Noah Yauk
Date:	June 7, 2016
File No.	DASZ 39/15

List of Attachments:

- APPENDIX ‘A’: Planners Report
- SCHEDULE “A” FOR FILE NO. DASZ 39/15, LSWK COMMUNITY COMMITTEE, DATED FEB. 5, 2016.
- Schedule B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – March 9, 2016.
- Appendix B: Schedule V – Inksbrook Employment Lands Planned Development Overlay 2.

APPENDIX 'A

DATE:	June 7, 2016
FILE:	**DASZ 39/15**
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	North Inkster Industrial
SUBJECT:	For consideration at the Public Hearing to rezone the subject property to an "M1" Industrial Light Zoning District, a "C2" Commercial District.
LOCATION:	Northwest corner of Inkster and King Edward
LEGAL DESCRIPTION:	ALL THAT PORTION OF LEGAL SUBDIVISION 7 IN SECTION 26-11-2 EPM TAKEN FOR THE RIGHT OF WAY OF THE CANADIAN PACIFIC RAILWAY PLAN 1964 WLTO EXC ALL MINES AND MINERALS AS RESERVED BY VIRTUE OF THE RAILWAY ACT R.S.C CAP R58 SP LOT 6 PLAN 17736 WLTO IN SE ¼ 26-11-2 EPM SP LOT 4 PLAN 17736 WLTO IN SE ¼ 26-11-2 EPM SP LOT 3 PLAN 17736 WLTO IN SE ¼ 26-11-2 EPM SP LOTS 1 AND 2 PLAN 17736 WLTO IN SE ¼ 26-11-2 EPM PARCEL 1: LOTS 14 AND 15 PLAN 962 WLTO EXC OUT OF SAID LOT 15 THE NLY 30 FEET IN S ½ OF SE ¼ 26-11-2 EPM PARCEL 2: SP LOT 7 PLAN 17736 WLTO IN SE ¼ 26-11-2 EPM



APPLICANT: Richard Wintrup & Associates (John Wintrup)
301-139 Roslyn Road
Wpg., MB R3L 0G7

OWNER: 2113686 Manitoba Ltd.

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to rezone the subject lands to “M1” Industrial District and “C2” Commercial District and further amend Zoning By-law 200/2016 by adopting the proposed PDO-2 Planned Development Overlay District for the +/-120 planned area that will be known as the Inksbrook Employment Lands.
- The rezoning/ PDO applications require a Public Hearing as per the Development Procedures By-law and The City of Winnipeg Charter.
- The intended use of the land requires a rezoning and subsequent 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.

- The Public Service recommends the applications be approved subject to any conditions specified herein.

SITE DESCRIPTION

The subject lands are located near the southeast corner of King Edward and Inkster in the North Inkster Industrial neighbourhood of the Old Kildonan Ward. The subject sites, which includes +/- 120 acres, includes lands to the north and west of the Inkster/ King Edward intersection but does not include the lands located directly at the corner (Figure 1 illustrates the subject site).

Surrounding Land Use and Zoning

North: Vacant lands and uses that are non-conforming zoned "A" Agricultural District.
South: Inkster BV then single-family homes zoned "R1-M" Residential District as well as active recreation space and a school zoned "PR-2" Parks and Recreation District. Also south of the site, near the east end, are a few vacant properties and a church zoned "A" Agricultural District.
East: King Edward Street then single-family homes zoned "R1-M" Residential District.
West: Industrial lands zoned "M2" Industrial District.

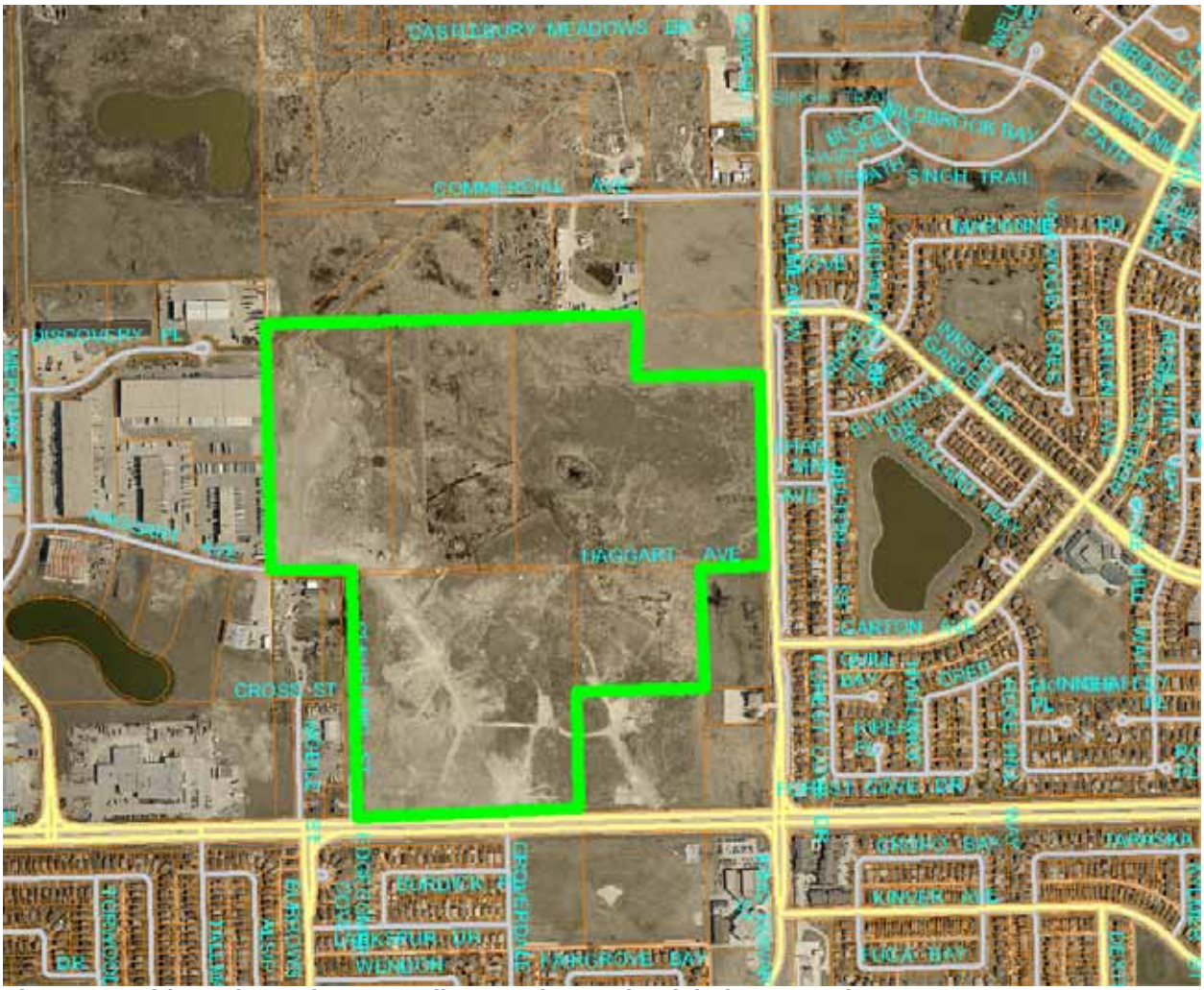


Figure 1: Subject Site and Surrounding Land Uses (Aerial Flown 2012)

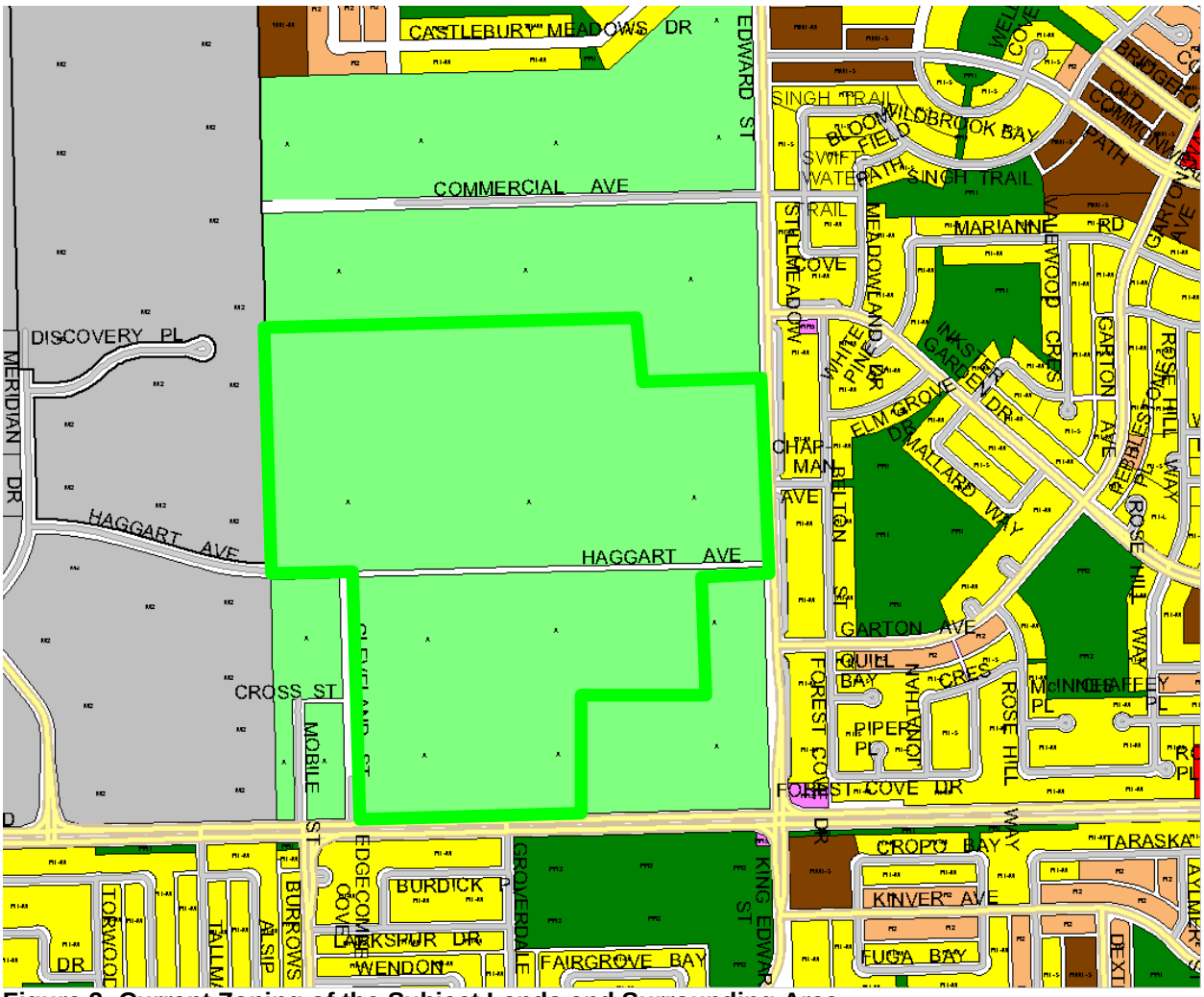


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the property to “M1” and “C2” zoning districts.
- The applicant is also proposing a PDO to allow for more flexibility in land uses.

ZONING

<u>Proposed Zoning Districts and Key Components of Proposed PDO:</u>

The current zoning designation of the subject lands is “A” Agricultural District. This existing zoning does not reflect the types of land uses that the *Complete Communities Direction Strategy* accommodates on the subject lands. The subject rezoning application will better align property development rights with the policies of *Complete Communities* which designates the subject lands as a General Manufacturing Policy Area. The subject lands will be rezoned “M1” for the most part with some frontage along King Edward and Inkster being rezoned to “C2” Commercial District. The commercial zoning is meant to act as a transition between the proposed industrial lands and the existing residences to the south and east of the subject lands.

Given that the subject lands are designated as General Manufacturing in *Complete Communities* means that the focus of development must be industrial in nature so as to comply with *Complete Communities*. While *Complete Communities* does accommodate some level of commercial/retail activity within employment lands, the key is that it needs to be subordinate to the general manufacturing uses. The proposed rezoning maintains the intent of Complete Communities by creating commercial opportunities that will not rival industrial uses. Directing the majority of commercial/ retail uses along King Edward and Inkster will serve to maintain the industrial integrity of the lands and enable some level of associated commercial/ retail uses that can serve both the industrial enterprise as well as the residential neighbourhoods in close proximity to the site.

The proposed PDO will allow for some degree of flexibility by expanding the list of permitted uses of the base "M1" District being proposed. In addition to all principal uses provided for in the "M1" Zoning District, the PDO proposes the following be permitted:

1) Landscape/ garden contractor or production
2) Community Gardens
3) Library
4) Senior High School
5) College or University Hospital
6) Hospital
7) Sports or Entertainment arena/ stadium, outdoor
8) Private Club, not licensed
9) Heavy equipment sales, service, and/or rental
10) Outside storage
11) Heavy manufacturing
12) Auction Yard

<u>Heavy Manufacturing Uses</u>
The Public Service has considered the above uses, and based on the surrounding context which includes residential land uses to the north, south and east, advises that the Heavy Manufacturing use may pose potential land use conflicts. The zoning by-law defines heavy manufacturing as follows:

> means a use of land that includes the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odours, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of buildings on the lot. Examples include, but are not limited to: battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; packaging plant; slaughterhouse; rendering plant.

It is further noted, that while industrial zoned lands exists in proximity to the subject site, these lands are all zoned M2, with the exception of the site at the south east corner of Brookside BV and Jefferson Ave. This is to say that existing neighbouring uses are not heavy manufacturing in nature as the M2 zoning district also does not accommodate heavy manufacturing as a use.

In the light of the above, the Public Service is recommending that the heavy manufacturing use not be added to the list of permitted uses as proposed in the applicant's PDO. Instead the Public Service is recommending the heavy manufacturing use be included as a Conditional Use only. This will allow the public service an opportunity to assess any proposed heavy manufacturing use on a case by case basis and will also require a public hearing process for the benefit of the public. Without knowing the details of any specific heavy manufacturing use at this time it would be difficult to assess impacts and associated mitigation measures. Since the conditional use process is meant to assess the impacts of uses that may have operational or other impacts on adjacent properties and is a tool already available in Zoning By-law 200/2006 applying it here is appropriate. Another alternative could be too prohibit heavy manufacturing uses altogether. However, given that the lands are designated as General Manufacturing Policy Area signals that heavy manufacturing could be appropriate if designed to mitigate land use conflicts. Given that heavy manufacturing is only permitted in the "M3" zoning designation and the proposed zoning for the subject lands are "M1" Light Industrial, allowing heavy manufacturing uses through the PDO, as of right, is a significant departure from the intent of the "M1' District. With this in mind it is doubtful that area residents who see the public notification poster/ advertisement proposing an "M1"Disict would expect heavy manufacturing uses to be permitted as of right. The Conditional Use process serves to protect the interests of neighbouring residents while at the same time maintaining the integrity of the policy designation of the subject lands.

Retail Uses

While retail uses are permitted in the proposed zoning districts, the PDO restricts the total amount of retail uses that can occur on site. This is necessary for consistency with complete communities by ensuring retail uses will be subordinate to industrial uses. While there is no restriction on the amount of retail uses on the lands proposed to be rezoned to "C2" along the edges of the site, there is a cap on the amount of retail sales within Area 1 of the PDO to the effect that the retail uses cannot exceed 15% of the total gross floor area of all other principal uses.

COMPATIBILITY WITH EXISITNG DEVELOPMENT

The proposed rezoning application will provide consistency with *Complete Communities* by enabling uses on the subject lands to be generally consistent with the General Manufacturing Policy Area designation. The lands adjacent to the subject site to the north and to the west are also designated as General Manufacturing Policy Area. While the lands to the north are generally vacant or non-conforming uses, much of the lands to the west are active industrial uses, such as those on Haggart Ave and Discovery Pl. Land uses to the south and east of the subject site, across Inkster BV and King Edward St, respectively, can be characterized as low density residential neighbourhoods. In order to maintain compatibility with the existing residential land uses, the Inkster and King Edward frontages (to a depth of 200) feet are proposed to be zoned as "C2" Commercial District. This will create a land use buffer between the existing residences and employment uses. The types of land uses accommodated under the "C2" zoning district, such as retail sales and personal services, may be of great benefit to the neighbouring residential neighbourhoods by offering amenities that currently do not exist close by.

ADMINISTRATIVE COORDINGATING GROUP (ACG) CONSIDERATIONS

Schedule B of this report provides the requirements of key city departments that will form the contents of the recommended servicing agreement. Noted in the ACG Report are road

widening requirements including one on the west side of King Edward Street right-of-way to accommodate a future multi-use pathway consistent with the approved Pedestrian and Cycling Strategies.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The proposed rezoning will facilitate a development proposal that meets the policies of *Complete Communities* and the proposed zoning district better reflects the intended use of the subject lands.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 39/15

SCHEDULE “A” FOR FILE NO. DASZ 39/2015, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED FEB. 5, 2016.

By-Law No. _____

File No. **DASZ 39/15**

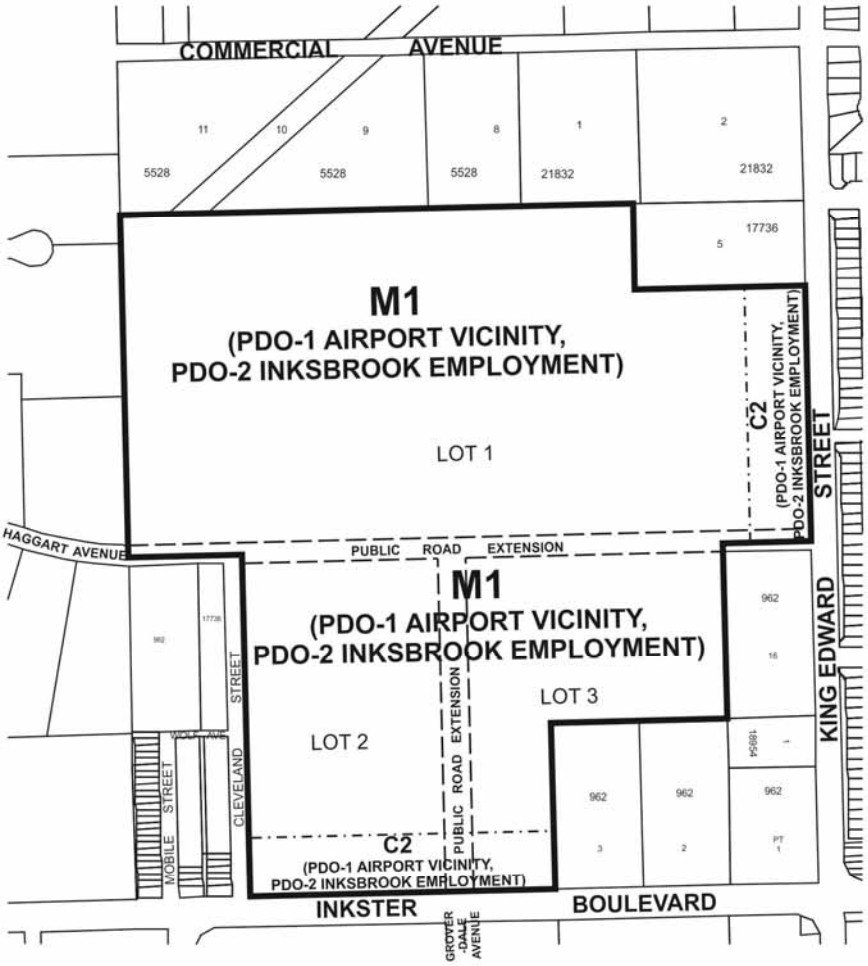
Atlas Sheet No. **T19**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at the northwest corner of Inskter Boulevard and King Edward Street from an “A PDO-1 AIRPORT VICINITY” AGRICULTURAL DISTRICT to an “M1 PDO-1 AIRPORT VICINITY, PDO-2 INKSBROOK EMPLOYMENT” MANUFACTURING LIGHT DISTRICT and a “C2 PDO-1 AIRPORT VICINITY, PDO-2 INKSBROOK EMPLOYMENT” COMMERCIAL COMMUNITY DISTRICT to allow for the creation of lots, the establishment of right-of-ways by the extension of Haggart Avenue and Groverdale Avenue and the establishment of a new Planned Development Overlay “PDO-2 Inksbrook Employment Lands” as Schedule V as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MARCH 9, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTHWEST CORNER OF INKSTER & KING EDWARD STREET – DASZ 39/2015

It is recommended that the approval of DASZ 39/2015, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a 3.6m widening to the north side of the Inkster Boulevard right-of-way, along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The proposed north-south public road extension shall be located approximately 2.0m to the west of the proposed location, or as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall transfer and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

4) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for right-of-way corner cuts as per the City's Transportation Standards in the north-east and north-west corners of the intersection of Inkster Boulevard and the proposed north-south public road extension, as determined by and to the satisfaction of the Director of Public Works.

5) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a corner cut in the north-west corner of the intersection of King Edward Street and the proposed east-west public road extension, as determined by and to the satisfaction of the Director of Public Works.

6) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a 5.5m widening to the west side of King Edward Street right-of-way, along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works. This is to accommodate a future multi-use pathway (west of the existing hydro line), which is consistent with the approved Pedestrian and Cycling Strategies and supports the future twinning of King Edward Street.

7) The Legal Plan shall be reviewed and approved by the Public Works Department prior to registration at the Land Titles Office, and shall be modified as required as determined by and to the satisfaction of the Director of Public Works.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer which will outline the provision of underground services for the proposed subdivision and adjacent lands.

2. The Developer shall submit, to the satisfaction of the Director of Water and Waste, servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the current and ultimate service areas.

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1) Wastewater Sewers

a) 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.

b) The Developer shall pay, prior to the release of mylars, their share of the cost of the oversized wastewater sewer in Haggart Avenue constructed by others as determined by 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

a) The Developer shall, at no expense to the City, construct and install land drainage sewers and naturalized stormwater retention facilities (including a piped outfall) required to serve the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall dedicate all land and provide all easements necessary to accommodate the required stormwater retention and land drainage facilities, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

c) The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area as determined by the Director of Water and Waste. The cost of regional land drainage facilities constructed by the Developer (including the value of the land for the stormwater retention basins) shall be credited against this charge.

4) Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

c) Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

d) Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

5) Pavement

The Developer shall, at no expense to the City, construct Portland cement concrete pavements to widths and thickness as determined by the Director of Public Works, in all streets within the Planned Area, and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewer, as determined by and to the satisfaction of the Director of Public Works

6) Sidewalks. Multi-Use Paths

a) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on both sides of all streets with a right-of-way width of 22.0m or greater, except where multi-use pathways are constructed, as determined by and to the satisfaction of the Director of Public Works;
b) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concreate sidewalks, on a standard alignment 0.3m from the property line, on the north side of Inkster Boulevard, abutting the Planned Area, and all associated works, as determined by and to the satisfaction of the Director of Public Works.
c) construct all sidewalks concurrently with the pavements with which they share the right-of-way;

all as determined by and to the satisfaction of the Director of Public Works.

7) Inkster Boulevard Regional Street Charges

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services installed in Inkster Boulevard along the full length of the Planned Area, abutting the north side of Inkster Boulevard:

a) 4.0m wide by 200mm thick Portland cement concrete lane of pavement and all related works;

b) street lighting in the north boulevard; and

c) landscaping in the north boulevard;

all as determined by and to the satisfaction of the Director of Public Works.

8) Inkster Boulevard and the proposed north-south public road extension

The Developer shall, at no expense to the City, construct the appropriate intersection works and all associated works including but not limited to:

a) westbound deceleration lane and appropriate taper on the north side of Inkster Boulevard (east of the proposed north-south public road extension) and a right-turn cutoff in the north-east corner of the intersection,
b) right-turn cutoff in the north-west corner of the intersection and a westbound acceleration lane with appropriate taper on the north side of Inkster Boulevard (west of the proposed north-south public road extension),
c) eastbound and westbound left turn storage lanes and associated works on Inkster Boulevard,
d) northbound and southbound left turn storage lanes and associated works on Groverdale Avenue/proposed north-south public road extension,
e) construction of roadway and median within the proposed north-south public road extension, north of Inkster Boulevard, and
f) roadway modifications and construction of median within Groverdale Avenue, south of Inkster Boulevard,

generally as recommended in the final approved Traffic Impact Assessment, with modifications as determined by and to the satisfaction of the Director of Public Works.

9) Traffic Control Signal

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, all costs associated with the installation of traffic control signals and all related works including, but not limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of Inkster Boulevard and the proposed north-south public road extension and all related works, all as determined by the Director of Public Works.

10) King Edward Street

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in King Edward Street along the full length of the subject property abutting the west side of King Edward Street:

a) a 8.0m wide by 200mm thick Portland cement concrete pavement and all related works;
b) a 3.5m wide asphaltic concrete multi-use pathway in the west boulevard;
c) street lighting in the west boulevard;
d) landscaping in the west boulevard;

all as determined by and to the satisfaction of the Director of Public Works.

11) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.
b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

12) Temporary Dead-End Street

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
b) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

13) Two Means of Vehicle Access

The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

14) 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.

15) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to

the Planned area, as determined by the Director of Public Works.

16) Utilities

a) The Developer shall, pay the full cost to convert existing overhead services in Inkster Boulevard, abutting the Planned Area, to underground, 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 and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.
c) The Developer shall pay all costs associated with the 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.

17) Litter and Refuse Control and Clean-Up

a) 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-site 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.
b) The cleanup 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.

18) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

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

    The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 39/2015

"Original signed by G. Jasper, P.Eng."

G.V. Jasper P. Eng.,
Land Development Branch

"Original signed by M. Gajda, P.Eng."

M. Gajda, P. Eng.
Water & Waste Department

"Original signed by C. Desjardine, P.Eng."

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

GJ/gj

Appendix B:

SCHEDULE V

added TBD

INKSBROOK EMPLOYMENT LANDS PLANNED DEVELOPMENT OVERLAY 2 (PDO-2 – INKSBROOK EMPLOYMENT LANDS)

Purpose

1. The purpose of this overlay is to support the development of the planned area as 'Employment Lands'.

Applicability

2. The PDO-2 INKSBROOK EMPLOYMENT LANDS overlay district is shown on the attached Map 1.

Development Standards

3. Except to the extent modified by the standards in this overlay, all standards of the Zoning Bylaw 200/2006 apply within the boundaries shown on the Principal Overlay Map (Map 1).

4. The regulations provided in the PDO-2 district shall be substituted for the specified regulations of the underlying Zoning Bylaw 200/2006. Where there is a conflict between the provisions of the PDO-2 district and those of the underlying Zoning Bylaw 200/2006, the provisions of the PDO-2 govern.

Land Locked Parcels Permitted

5. Notwithstanding other provisions in the Winnipeg Zoning By-law 200/2006, a use permitted under this By-law in the PDO-2 INKSBROOK EMPLOYMENT LANDS within Areas 1, 2, and 3 of the Overlay District may be established, erected, or constructed if the parcel of land on which it is located, in addition to complying with all other requirements of this By-law:

    (a) does not abut a public street; or

    (b) does not abut an unimproved street which, under an Agreement with the City, is to be improved to serve that lot; or

(c) is not deemed to abut a public street pursuant to the non-conformity provisions of this By-law.

Subject to the following conditions:

(a) The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles.

Area 1
Use Tables

6. Notwithstanding other provisions of this By-law, in the PDO-2 INKSBROOK EMPLOYMENT LANDS Area 1, the following principal uses shall be permitted in addition to the permitted and conditional uses of the underlying M1 zoning district:

(1) Landscape/garden contractor or production
(2) Community Gardens
(3) Library
(4) Senior High School
(5) College or University
(6) Hospital
(7) Sports or Entertainment arena/stadium, Outdoor
(8) Private Club, non-licensed
(9) Heavy Equipment Sales, Service, and/or rental
(10) Outside Storage
(11) Heavy Manufacturing
(12) Auction Yard

7. Notwithstanding other provisions of this By-law, in the PDO-2 INKSBROOK EMPLOYMENT LANDS Area 1, the following principal uses shall NOT be permitted:

(1) Cheque-cashing facility excluding a bank, savings and loan, or credit union.
(2) Adult Service or entertainment establishment
(3) Pawnshop
(4) X-rated store

8. Notwithstanding other provisions of this By-law, in the PDO-2 INKSBROOK EMPLOYMENT LANDS Area 1, the following temporary and/or accessory uses shall be permitted.

    (1) Outside Operations.
    (2) Micro-brewery/Winery/distillery to a Restaurant or Retailer.

Use Specific Standards

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

Hospital

10. Hospitals in Area 1 shall not be limited to the number of inpatient beds.

Farmer's Market

11. Farmer's Markets may occur in Area 1 during any month of the year.

Supermarket

12. Supermarket land-uses in Area 1 shall be allowed to a maximum of 65,000 square feet of gross floor area.

Retail Sales - Total

13. Retail Sales as a principal use within Areas 1 of the Planned Area outlined in Map 1, shall have a total gross floor area that does not exceed 15 percent of the total gross floor area of all principal land-uses category/types.

Map 1 PDO-2 INKSBROOK EMPLOYMENT Principal Overlay Map

