Minute No. 437
Report – Executive Policy Committee – July 6, 2016

Item No. 4 **Subdivision and Rezoning – 1911 King Edward Street (Point Douglas Ward) File DASZ 13/2016 [c/r DAC 13/2004]**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 13/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2016 dated March 14, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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 13/2016 dated March 14, 2016 to an "M3" Heavy Manufacturing District.

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

4. That in lieu of the dedication of land, the developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined 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 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.

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

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.

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Report – Executive Policy Committee – July 6, 2016

COUNCIL DECISION (continued):

9. 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.

10. 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.

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 – Executive Policy Committee – July 6, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 6, 2016, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2016, the Lord Selkirk-West Kildonan 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.

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RE: **Subdivision and Rezoning – 1911 King Edward Street**
File DASZ 13/2016

For submission to: **Executive Policy Committee**

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 concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 13/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2016 dated March 14, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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 13/2016 dated March 14, 2016 to an "M3" Heavy Manufacturing District.

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

4. That in lieu of the dedication of land, the developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined by the City.

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

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

10. 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.

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.

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

1. This is in-line with the current expropriation settlement process.

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PUBLIC HEARING SUMMARY

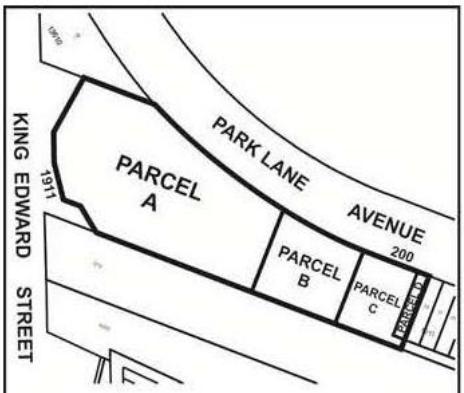
File: DASZ 13/2016

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

Public Hearing: June 14, 2016
Council Building, 510 Main Street

Applicant: The City of Winnipeg
(Director of Planning, Property and Development)

Subject:



APPLICANT: CITY OF WINNIPEG, REAL ESTATE DIVISION
FILE : DASZ 13/16
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 "M1" MANUFACTURING LIGHT DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to an "M3" MANUFACTURING HEAVY DISTRICT to facilitate the consolidation of lands for the maintenance of an existing wrecking yard use and the establishment of an accessory parking area. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected:	1911 King Edward Street and 200 Park Lane Avenue and lane from DAC 13/2004
Exhibits Filed:	1. Application dated March 14, 2016 2. Notification of Public Hearing dated March 30, 2016 3. Manitoba Status of Titles 2357793/1, 2357795/1, 2357766/1, 2357769/1, 2357799/1, 2357796/1, 2357767/1, 2357768/1, 2357797/1, 2357764/1 4. Letter of authorization dated October 2012 from Alec Gillman, Allied Auto Parts, to the City of Winnipeg 5. Surveyor's Building Location Certificate and sketch dated August 19, 2013 6. Plans (2 pages) 7. Report from the Urban Planning Division dated June 6, 2016 8. Inspection Report 9. Recording of Representations

REPRESENTATIONS:

In Support:

Joedi Pruden, Senior Negotiator, Planning, Property and Development Department
Gavin Wood

In Opposition

Nil

For Information:

Nil

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

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Exhibit "7" referred to in File DASZ 13/2016

ADMINISTRATIVE REPORT

Title: DASZ 13/16 – 1911 King Edward Street

Issue: For consideration at the public hearing to rezone land from an "M1" Manufacturing Light and "PR1" Parks and Recreation District to "M3" Heavy Manufacturing District.

Critical Path: Lord Selkirk – West Kildonan 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 plan of subdivision proposed under File DASZ 13/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2016 dated March 14, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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 13/2016 dated March 14, 2016 to an "M3" Heavy Manufacturing District.

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

4. That in lieu of the dedication of land, the developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined 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 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.

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

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

10. 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.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to rezone and consolidate three (3) parcels of land at 1911 King Edward Street from “M1” Light Manufacturing and “PR1” Parks and Recreation to “M3” Heavy Manufacturing.
- The proposed consolidation and rezoning is to allow the maintenance of the existing wrecking yard and the establishment of an accessory parking area.
- Subdivisions and 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 application will be approved as proposed.

HISTORY

N/A

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CONSULTATION

In preparing this report there was consultation with**:**
Public Works Department

SUBMITTED BY

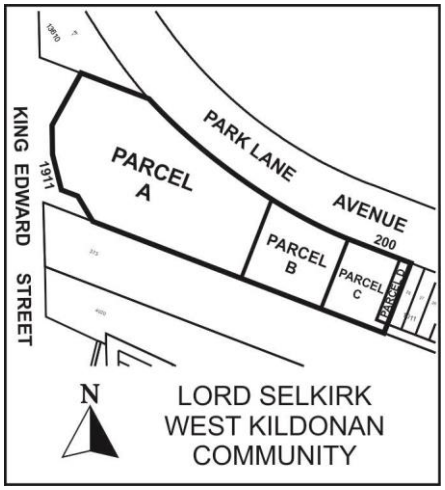
Department *Planning, Property and Development*
Division *Urban Planning Division*
Prepared by *Femi Ojo, MCIP*
Date: *June 6, 2016*
File No. *DASZ 13/2016*

APPENDIX 'A'

DATE: June 6, 2016
FILE: **DASZ 13/2016**
RELATED FILES:
COMMUNITY: Lord Selkirk – West Kildonan
NEIGHBOURHOOD #: 3.338

SUBJECT: To rezone land from an "M1" Manufacturing Light and "PR1" Parks and Recreation District to "M3" Heavy Manufacturing District for the maintenance of an existing wrecking yard and the establishment of an accessory parking area

LOCATION: 1911 King Edward Street



APPLICANT: Joedi Pruden
City of Winnipeg
2nd Floor, 65 Garry Street
Winnipeg MB R3C 4K4

OWNER: City of Winnipeg, Alec Gillman and Allied Auto Parts Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located east of King Edward Street and south and south of Parklane Avenue, in the Oak Point Hwy neighbourhood of the Point Douglas ward.
- Adjacent properties include the City of Winnipeg Woodsworth Park to the north; a CNR line to the south. To the east are auto related uses and to the west is King Edward Street.
- Under the Complete Communities Direction Strategy, the site is located within the General manufacturing Policy Area. The property is split zoned between “PR1” Parks and Recreation and “M1” Manufacturing Light.

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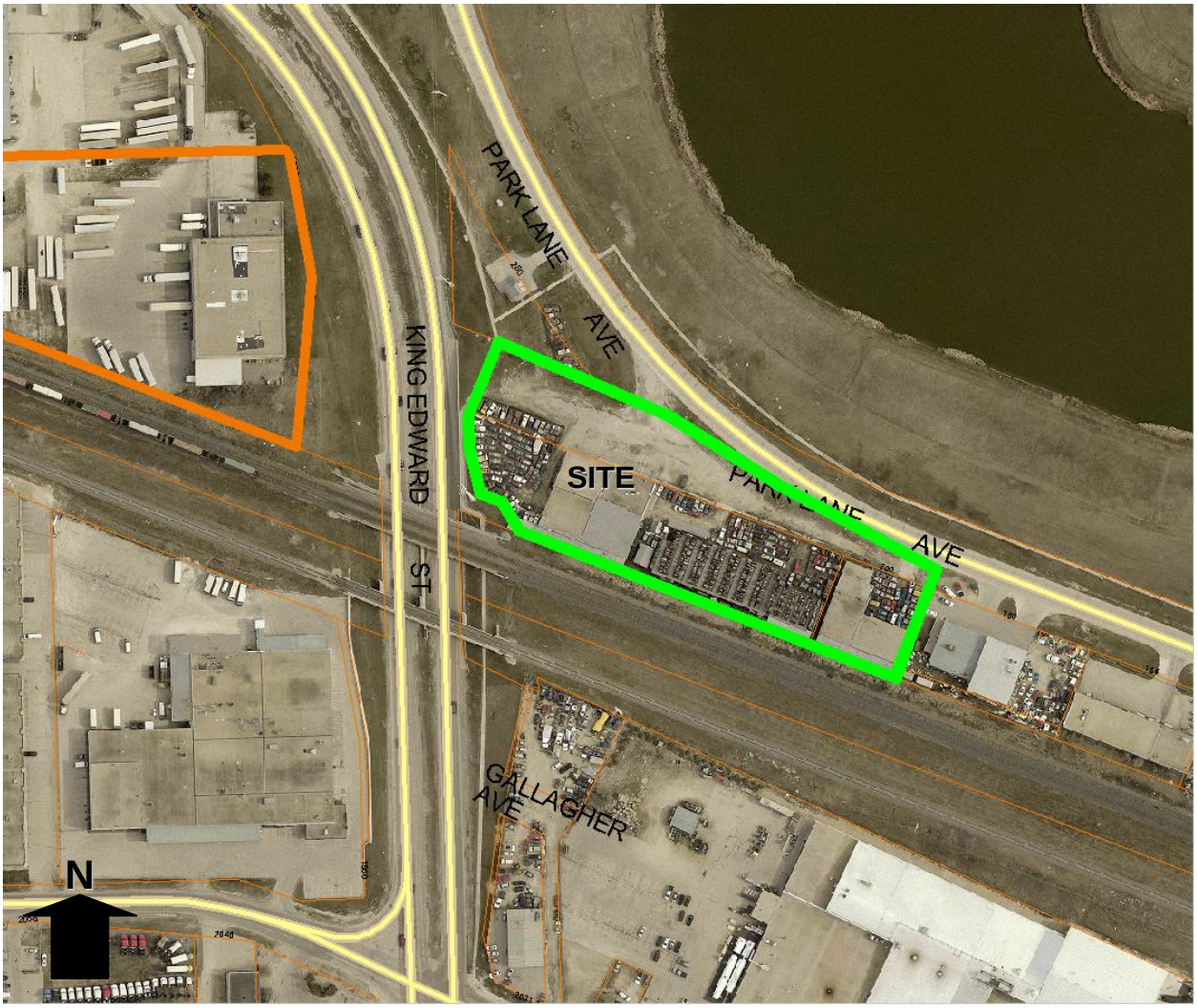

Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to consolidate and rezone three existing parcels of land for the maintenance of an existing wrecking yard and the establishment of an accessory parking area.
- There are no and variances requested and plans of development submitted with this application.

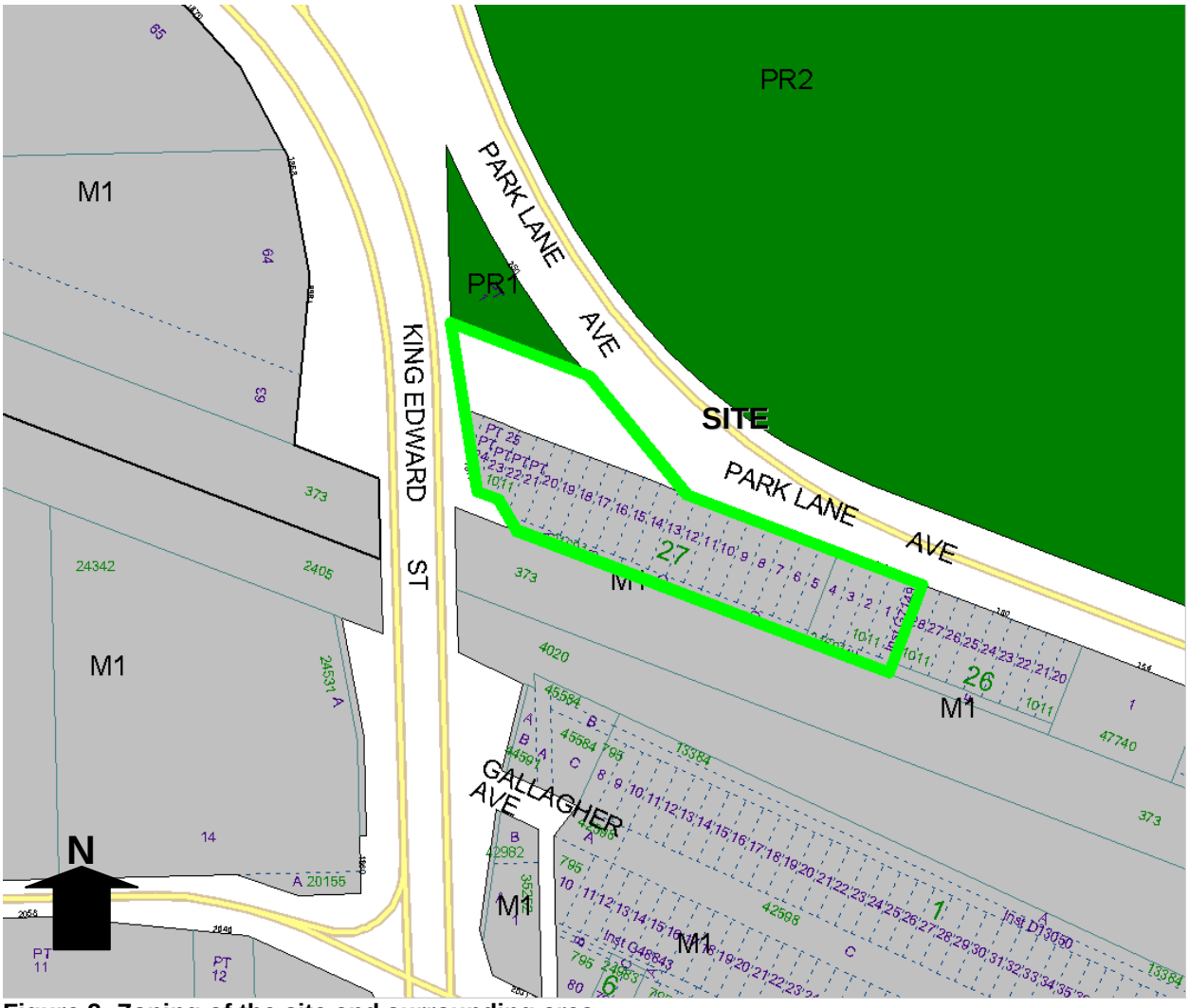

Figure 2: Zoning of the site and surrounding area.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

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- The site is within the General Manufacturing Policy Area under the Complete Communities Direction Strategy. Key relevant policies guiding the development in this area includes:

    - 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 P.98
    - Consider options to encourage development of under-utilized parcels and obsolete sites. P.94

B. REZONING

- The applicant intends to rezone and consolidate three (3) parcels of land from "M1" Light Manufacturing and "PR1" Parks and Recreation to "M3" Heavy Manufacturing.
- **Current Zoning: "PR1" Parks and Recreation (Neighborhood) and "M1" Manufacturing Light.**

  The "PR1" zoning district is intended for sites that are generally passive neighborhood and community parks and facilities with predominantly pedestrian and cyclist access. The "M1" zoning 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.

- **Proposed Zoning: "M3" Manufacturing Heavy District**
  The "M3" zoning 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 odor impacts to neighbouring properties.

Figure 3: Dimensional Standards for Heavy Manufacturing Districts

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum lot area per dwelling (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Max Building Height (ft.)
M3	N/A	N/A	25	0	0	15	150

Note a: Where the rear or side lot line abuts the side or rear lot line of an R1, R2 or RMF zoning district, a 25 foot yard must be provided along the side or rear lot line. The side or rear yard must be landscaped pursuant to sections 188 through 193, *Landscaping and Buffering*, and must not be used for parking or loading areas, storage areas, storage of refuse or materials, or commercial activities of any kind

COMPATIBILITY WITH THE SURROUNDING AREA

- The proposed zoning “M3” Manufacturing heavy and the existing use (auto wrecking) is consistent with *Complete Communities General Manufacturing Policy area.*
- The subject site is surrounded by other industrial uses making the proposed use compatible with the area. As a matter of fact, the proposal will have little or no impact on the CPR line to the south and the City of Winnipeg Woodsworth Park.
- Aside from the above, it must also be noted that the nearest residential dwelling is approximately 840 feet away.

NON-CONFORMING APPROACH

- The Public Works Department had advised that the existing private approach serving 1911 King Edward Street is non-conforming under the Private Access By-law and thus, requires modifications.
- However, in a letter sent by the City of Winnipeg Legal Services on December 20, 2003 to the proponent, it was stated that “Allied in addition to the above, will apply for a private approach at the location illustrated on the aerial photo. Allied is responsible for all costs of the application, the costs of installing the private approach and the laying of cement on part of the approach in accordance with the City’s requirements”.
- Thus, for continual usage of the existing approach, Allied would have to contact the Public Works Department for further discussion.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- For this application, ‘cash in lieu’ is recommended as determined by the Planning, Property and Development Department.

RECOMMENDATION

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

- The rezoning to “M3” Heavy Manufacturing will allow continual operation of the existing wrecking yard that closely aligns with the policies in the *Complete Communities Direction Strategy* for General Manufacturing Policy Area.
- The proposal is consistent and compatible with existing form, scale and uses within the immediate vicinity.
- The continual operation of a wrecking yard on the subject site will not cause any adverse effect on surrounding property.

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This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP
PPD File # DASZ 13/2016

Schedule "A" for File No. DASZ 13/2016, Lord Selkirk West Kildonan Community Committee, dated March 14, 2016

By-Law No. _____

File No. **DASZ 13/16**

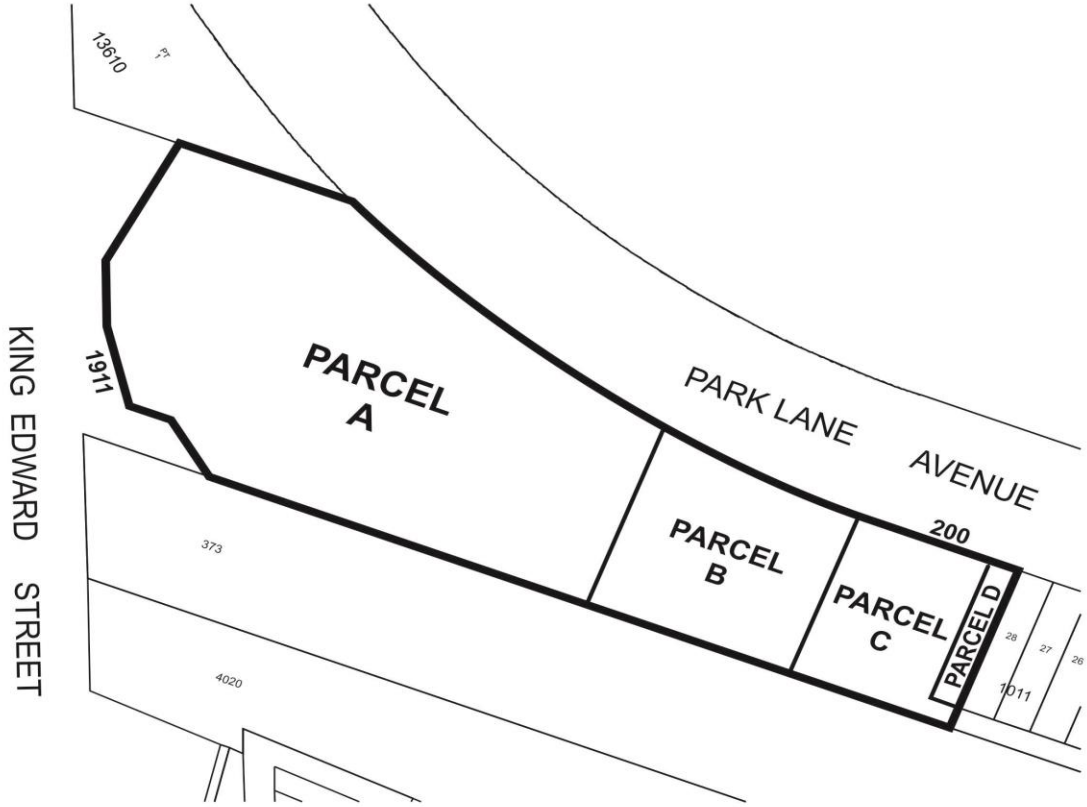
Atlas Sheet No. **V20**

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 1911 King Edward Street, 200 Park Lane Avenue and Public Lane from DAC 13/14 from an "M1" MANUFACTURING LIGHT DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to an "M3" MANUFACTURING HEAVY DISTRICT to facilitate the consolidation of lands for the maintenance of an existing wrecking yard use and the establishment of an accessory parking area as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

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