Minute No. 258
Report – Executive Policy Committee – March 14, 2018

Item No. 3 **Subdivision and Rezoning – 16 and 24 Speers Road (St. Boniface Ward) File DASZ 26/2017 [c/r DAV 179166/2017D]**

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 26/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2017 dated February 26th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 26/2017 dated February 26th, 2018, to a "M2" Manufacturing General District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

        i. That, for those portions of the Owner's Land zoned "M2" Manufacturing General, the Owner must submit plans showing the location and design of any and all proposed:
            - buildings;
            - accessory parking areas;
            - private approaches;
            - garbage enclosures;
            - fencing;
            - landscaping; and
            - free-standing signage

        on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

Report – Executive Policy Committee – March 14, 2018

COUNCIL DECISION (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

3. 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.

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

Report – Executive Policy Committee – March 14, 2018

COUNCIL DECISION (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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 – March 14, 2018

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 March 14, 2018, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 16 and 24 Speers Road**
File DASZ 26/2017

For submission to: **Executive Policy Committee**

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

Report date: **March 6, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 26/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2017 dated February 26th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 26/2017 dated February 26th, 2018, to a "M2" Manufacturing General District subject to the following:

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            - buildings;
            - accessory parking areas;
            - private approaches;
            - garbage enclosures;
            - fencing;
            - landscaping; and
            - free-standing signage

        on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the

Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. 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.

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

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

1. There seems to be consolidation of lots that are primarily M3 to M2 zoning.
2. This is supported by area residents; no opposition.
3. The applicant worked well with City administration
4. These are employment lands, which will benefit the City in general.

PUBLIC HEARING SUMMARY

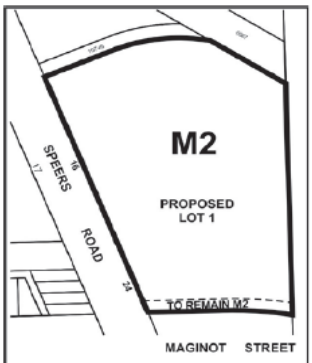
File: DASZ 26/2017

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Lukes
Councillor Allard

Public Hearing: March 5, 2018
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Susan Russell)

Subject:



APPLICANT : MCGOWAN RUSSELL GROUP INC.
FILE : DASZ 26/17
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 "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to facilitate the consolidation of lands for the construction of a commercial building and redevelopment of the accessory parking area. **For information, Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR : MCGOWAN RUSSELL GROUP INC.
N° DE DOSSIER : DALZ 26/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie M3 (secteur manufacturier lourd) à la catégorie M2 (secteur manufacturier général) en vue de faciliter le remembrement des terres et de permettre la construction d'un bâtiment commercial et le réaménagement d'un terrain de stationnement contigu. **Pour plus de renseignements, veuillez communiquer avec Mme. E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 16 and 24 Speers Road

Exhibits Filed:

1. Application dated December 8, 2017
2. Notification of Public Hearing dated February 5, 2018
3. Manitoba Status of Titles 1021864/1 and 1710983/1
4. Letter of authorization dated September 25, 2017 from Qualico Developments (Winnipeg) Ltd. to Qualico Developments (Winnipeg) Ltd. (2162130 Manitoba Ltd.) and McGowan Russell Group Inc.
5. Caveat 2472843
6. Plans (4 pages)
7. Report from the Urban Planning Division dated February 26, 2018
8. Inspection Report

REPRESENTATIONS:

In Support:

Susan Russell

In Opposition

Nil

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 26/2017

ADMINISTRATIVE REPORT

Title: DASZ 26/2017 – 16 and 24 Speers Road

Issue: An application for consideration at the Public Hearing to consolidate lands and rezone to M2 to facilitate the construction of an office/wholesale warehouse building and accessory parking/loading area.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 26/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2017 dated February 26th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.
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 26/2017 dated February 26th, 2018, to a "M2" Manufacturing General District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

        i. That, for those portions of the Owner's Land zoned "M2" Manufacturing General, the Owner must submit plans showing the location and design of any and all proposed:

            - buildings;
            - accessory parking areas;
            - private approaches;

- garbage enclosures;
- fencing;
- landscaping; and
- free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. 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.

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.

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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.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the subject lands and rezone to M2 to facilitate the construction of an office/wholesale warehouse building and accessory parking/loading area.
- Subdivisions and re-zonings 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 consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	February 26th, 2018
File No.	DASZ 26/2017

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 26/2017 Riel Community Committee, dated February 26th, 2018

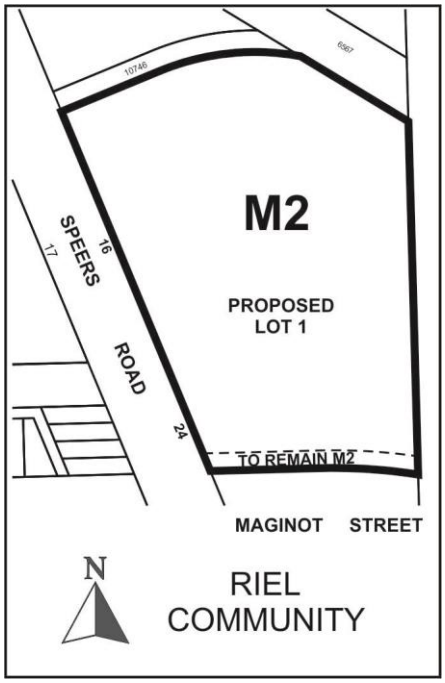
APPENDIX 'A'

DATE: February 26th, 2018

FILE: **DASZ 26/2017**
RELATED FILES: DAV 17-179166\D, AEC 17-179170
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.539 – Stock Yards Neighbourhood

SUBJECT: To consolidate lands and rezone to M2 to facilitate the construction of an office/wholesale warehouse building and accessory parking/loading area.

LOCATION: 16 and 24 Speers Road (see map below)



APPLICANT: Susan Russell
825 St Joseph ST
Winnipeg , Manitoba R2H 3A8

OWNER:
16 SPEERS RD
Winnipeg , Manitoba R2J 1L9

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on Speers RD in the Stock Yards neighbourhood of the St Boniface ward.
- The subject lands are approximately 8.5 acres and encompass two separate lots and one parcel (see Figure 1).
- The lands are split zoned Manufacturing General (M2) and Manufacturing Heavy (M3) and are located in the General Manufacturing policy area under *the Complete Communities Direction Strategy*.

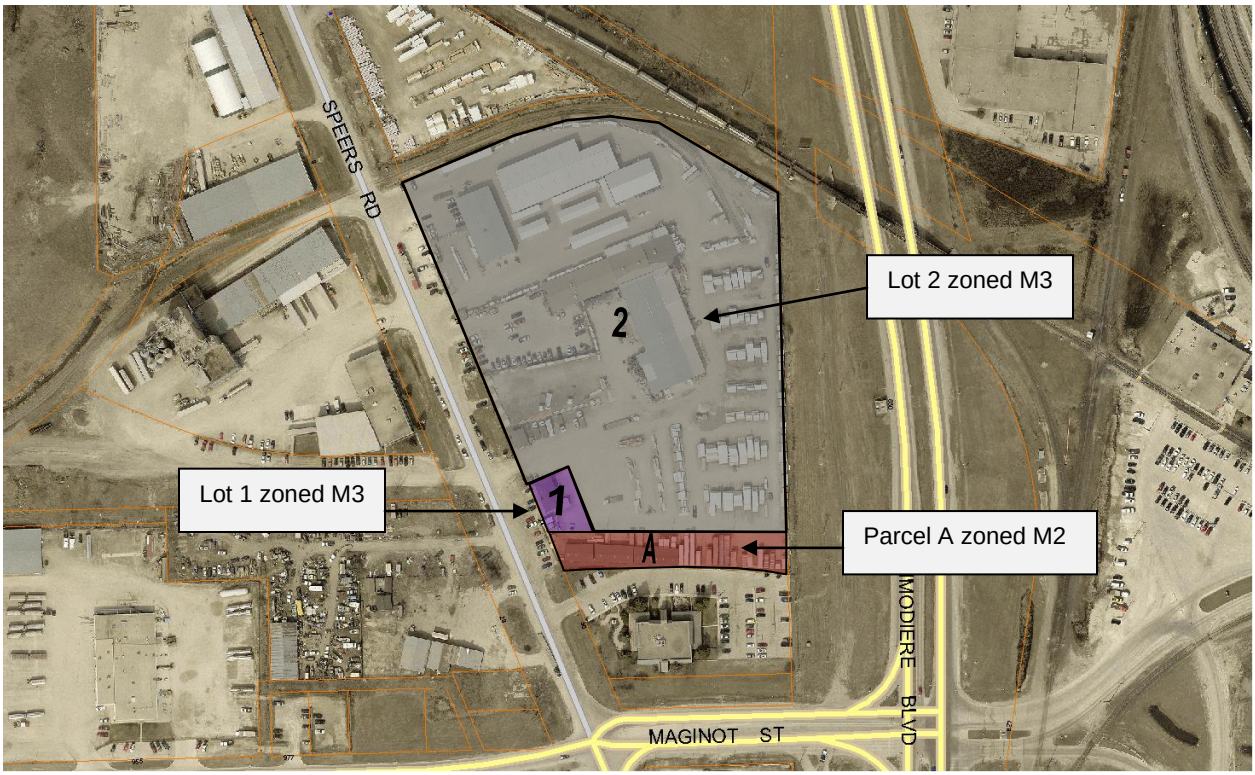


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Canadian National Railway line; then land used for outdoor storage zoned Manufacturing Heavy (M3).

South: Office building for the Frontier School Division on land zoned Manufacturing General (M2).

East: Lagimodiere Boulevard.

West: Speers Road; then industrial uses zoned Manufacturing General (M2) and Manufacturing Heavy (M3).

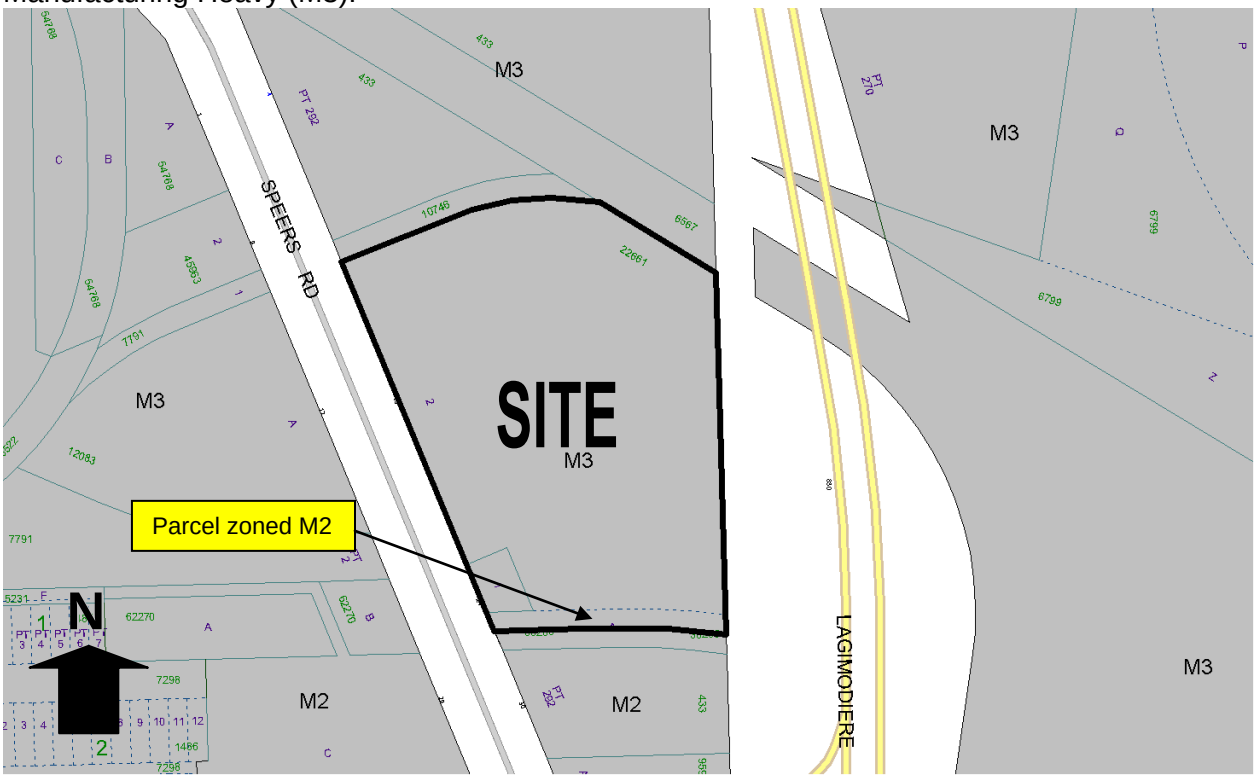


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The subject lands currently comprise two zoning districts and encompass two lots and one parcel. The applicant would like to consolidate the lots and establish one zoning designation (i.e., M2) in order to build a new office/wholesale warehouse space as well as a parking/loading area. The existing building on Lot 1 will be demolished.
- A total of 139 parking stalls and 6 bicycle parking stalls are proposed.
- An associated Alternative Equivalent Compliance application has been submitted proposing an alternative approach to compliance with the Street Edge Landscaping and the Parking Lot Interior Landscaping requirements of the zoning by-law. Alternatively, the applicant is proposing to install the majority of the landscaping required along the street edge in the City

right-of-way. Accordingly, the applicant will be applying for an encroachment application in order to be able to plant in the right-of-way.

- An associated Variance application (DAV 17-179166\D) for no front yard to the new building has been applied for in concurrence with the subject subdivision and rezoning application.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the subject lands are located in the General Manufacturing policy area. With regard to this proposal, the key policies guiding development in the General Manufacturing policy area include:
    - 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.
    - New employment lands should be located to provide sufficient separation from adjacent non-employment uses and include special development conditions that reduce the potential for conflict.

CURRENT ZONING DISTRICTS:

"M3" Manufacturing Heavy

- The M3 district is intended to provide for light and heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise and odour impacts to neighbouring properties.

"M2" Manufacturing General

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

PROPOSED ZONING DISTRICT:

"M2" Manufacturing General

- The M2 district is intended to provide for light manufacturing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The dimensional standards for structures in the M2 zone are: a minimum front yard of 25 feet; a minimum rear yard of 0 feet; a minimum corner side yard of 15 feet; a minimum side yard of 0 feet and, a maximum building height of 100 feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The Urban Planning Division is supportive of the rezoning and subdivision as it will result in the elimination of a split zoned lot and better reflect the existing uses on the lands.
- "Split zoned" lots, or lots with more than one zoning designation, can be problematic for the City as they pose regulatory/administrative challenges.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the land. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before any future development takes place on the land.

COMMENTS FROM OTHER DEPARTMENTS

Public Works

- The Public Works Department identified that the boulevard is currently being used to park vehicles. Parking within the boulevard is illegal. The Public Works Department will require the Developer to reconstruct the boulevard as part of the private approach approval. The Developer is aware of this and has planned to reconstruct the boulevard with landscaping.
- Speers Road will likely need to be upgraded once the Canada Packers site redevelops. The Developer representative is aware of this and has commented that the Developer is willing to cooperate with a local improvement for Speers Road, if a local improvement is advertised in the future.

Water and Waste

- The applicant shall, if required and prior to the release of mylars, pay their share of the Mission TSR as determined by the Director of Water and Waste.
- The applicant shall be advised that the combined domestic wastewater and land drainage runoff peak flows cannot exceed combined domestic wastewater and land drainage runoff peak flows of the existing site.
- The proposed Lot 1 will be assigned a 0.20 c-value. Any existing connections and overland flows need to be accounted in the allowable discharge rate and on-site storage needs to be provided for the 25 year event. The applicant will be required to retain a qualified engineer to design an appropriate system that complies with c-value and other design criteria.

EASEMENTS

- *There are existing Hydro/City of Winnipeg Sewer/Centra Gas easements registered on title protecting the area around Parcel A.*

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%.*
- *The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.*
- *The City is requesting cash in lieu for this application.*

RECOMMENDATION

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

- The proposal will result in the elimination of a split zoned lot and better reflect the existing uses on the lands.
- The proposal is consistent with the policies guiding development in the *General Manufacturing policy area* in the *Complete Communities Direction Strategy* which supports employment activities that operate in a fashion that is compatible with other land uses.

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

Report Prepared By: Elise Finnigan
PPD File # DASZ 26/2017

Schedule "A" for File No. DASZ 26/2017, Riel Committee, dated Feb. 26th, 2018

By-Law No. _____

File No. **DASZ 26/17**

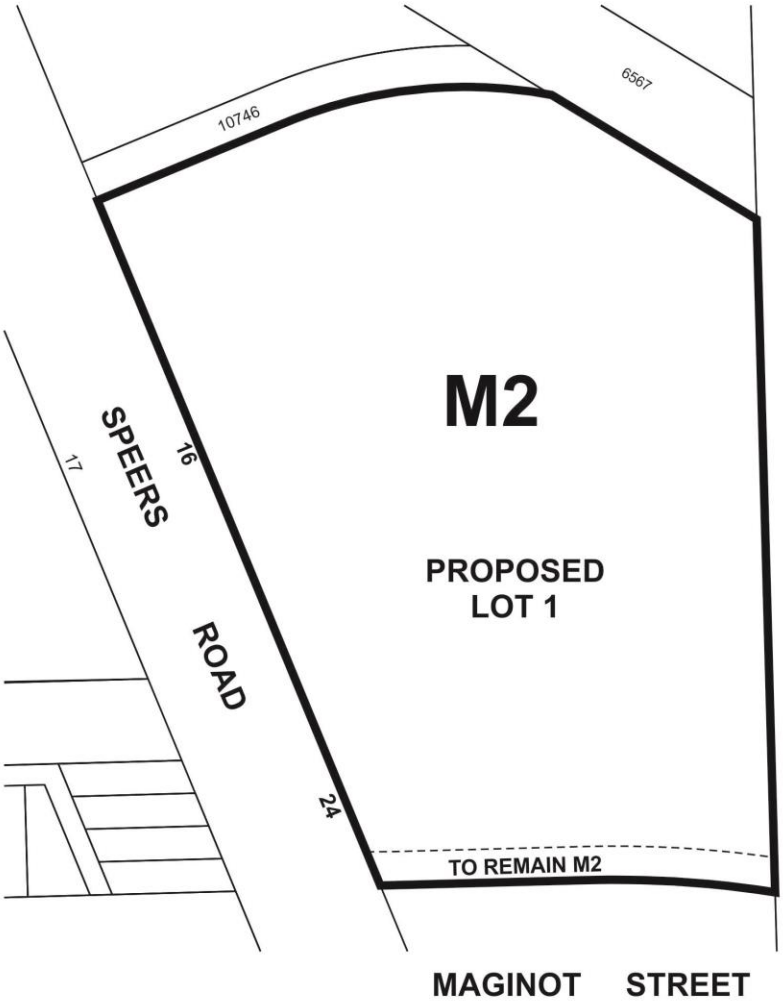
Atlas Sheet No.

N

AB29
RIEL
COMMUNITY

Explanation

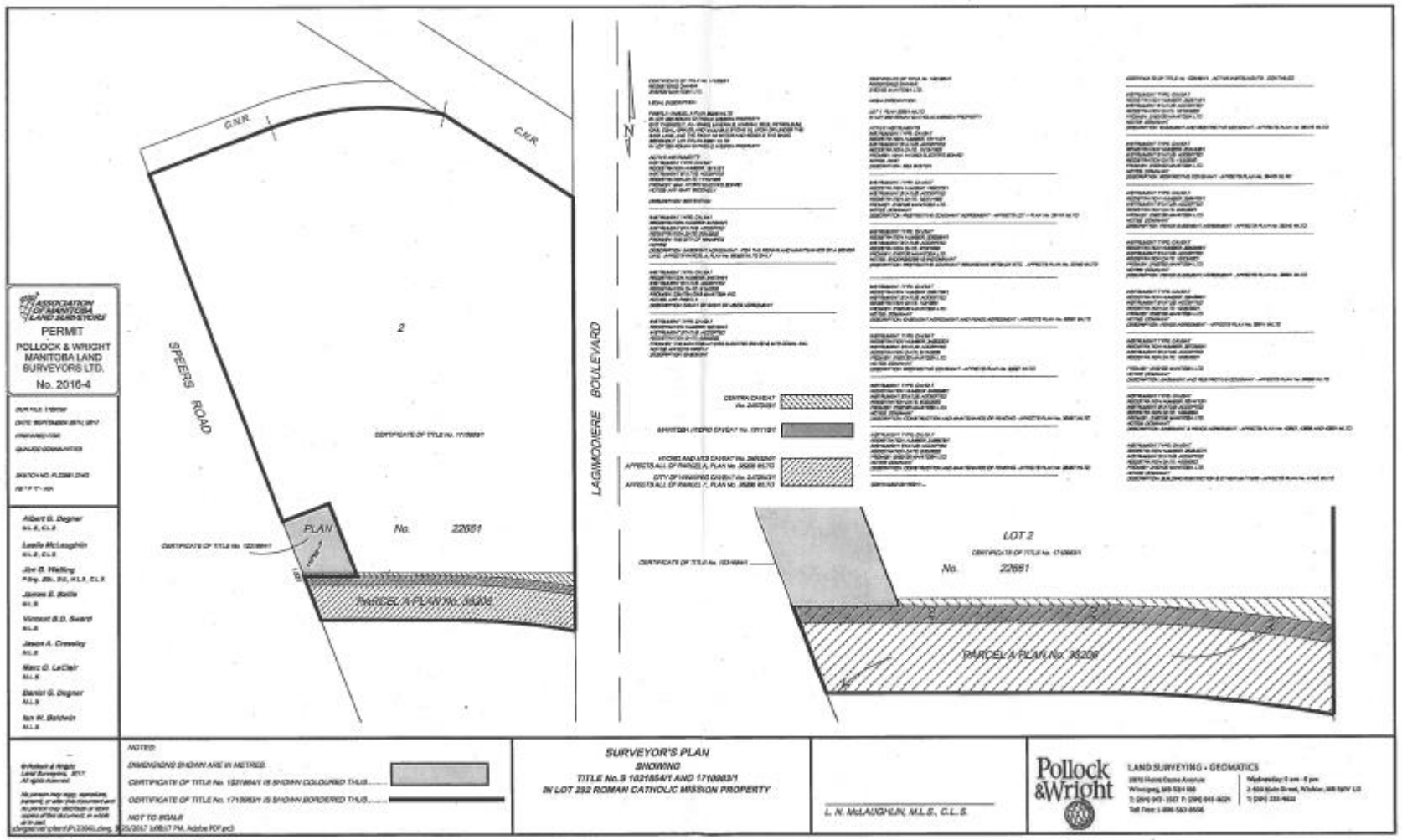
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 16 and 24 Speers Road from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to facilitate the consolidation of lands for the construction of a commercial building and redevelopment of the accessory parking area as shown outlined below.



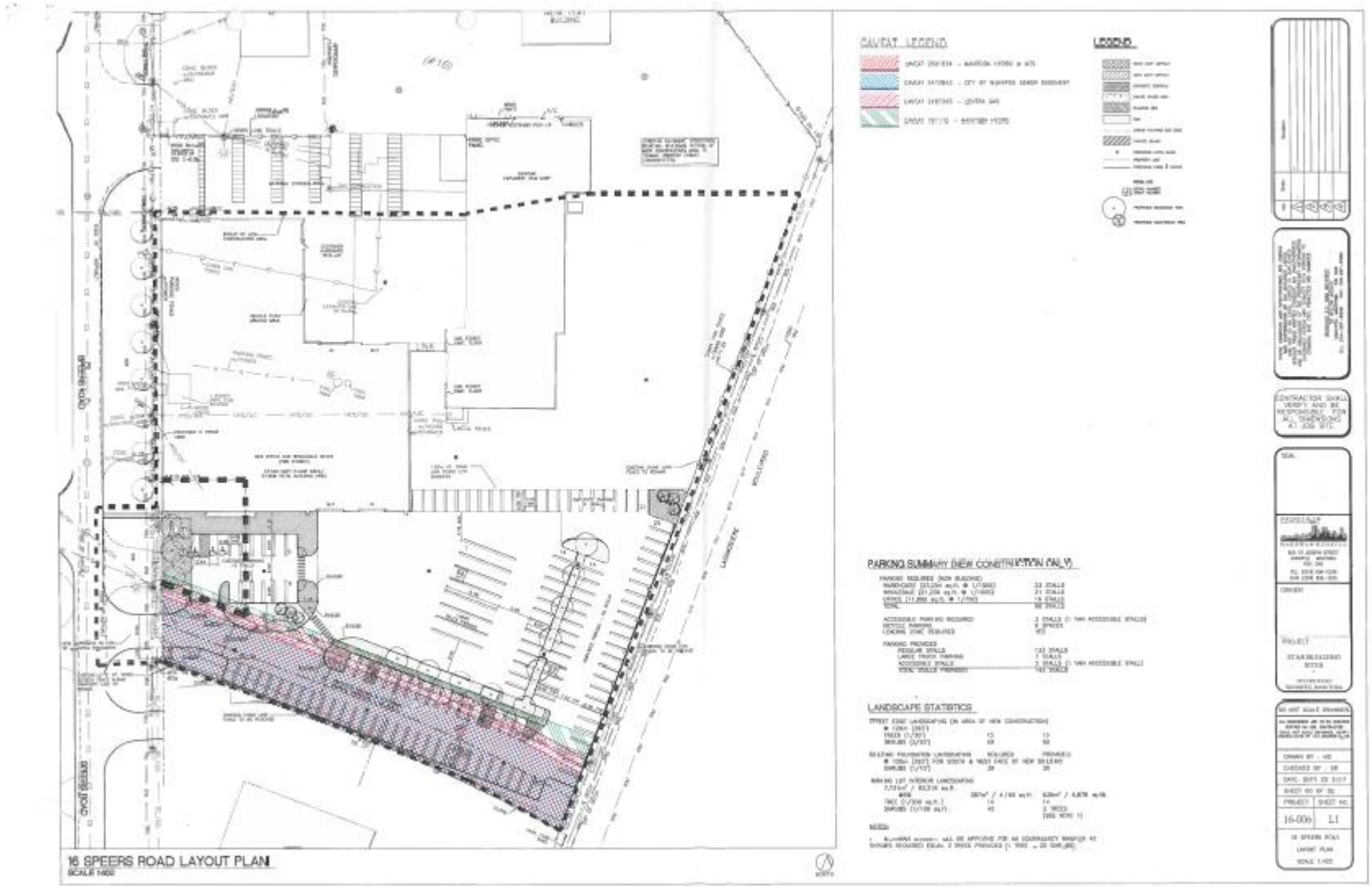
THIRD READING : _____ EFFECTIVE DATE : _____

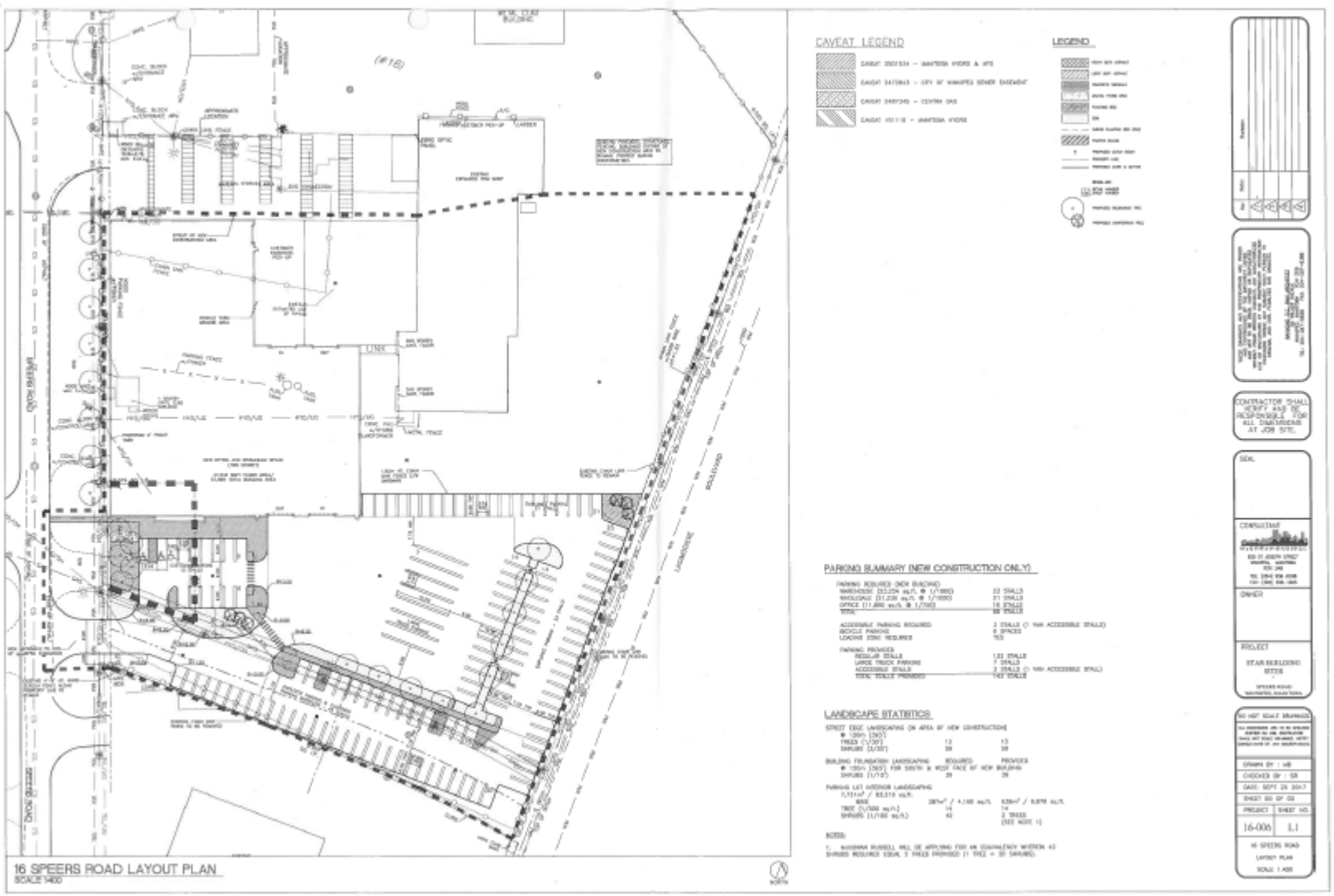
ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "6" referred to in File DASZ 26/2017




PLAN
SPEERS ROAD
M1
M2
PROPOSED PARCEL CONSOLIDATION MASTER PLAN
SCALE 1:500


CAVEAT LEGEND
LEGEND
PARKING SUMMARY (NEW CONSTRUCTION ONLY)
LANDSCAPE STATISTICS
16 SPEERS ROAD LAYOUT PLAN
SCALE 1:400
CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DRAWINGS AT JOB SITE.
16-006
L1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LANDSCAPE STATISTICS
CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AT JOB SITE.
SEAL
CONSULTANT
OWNER
PROJECT
STAR BUILDING SITES
DRAWN BY : MB
CHECKED BY : SR
DATE: SEPT 25 2017
SHEET 00 OF 00
PROJECT
SHEET NO.
16-006
L1
16 SPEERS ROAD
LAYOUT PLAN
SCALE 1:400