Minutes – Executive Policy Committee – July 2, 2019

REPORTS

Item No. 1 Rezoning – 1565 Inkster Boulevard
(Point Douglas Ward)
File DAZ 201/2019 [c/r DAV 109483/2019D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2019 by rezoning the subject land to a "M1" Manufacturing Light District as shown on the map dated June 11, 2019, and attached as Schedule "A" to this report subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. exterior lighting;
            g. landscaping; and
            h. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan Community Committee 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.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

B. That the City enter into, execute and deliver with the Developer a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

4. That, upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

5. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On June 11, 2019, 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.

PUBLIC HEARING SUMMARY

File: DAZ 201/2019

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

Public Hearing: June 11, 2019
Council Building, 510 Main Street

Applicant: 10005747 Manitoba Ltd.
(Darryl Dyck)

Subject:



Premises Affected: 1565 Inkster Boulevard

For submission to: Executive Policy Committee

Prepared by: P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: June 12, 2019

Community Committee Recommendation:

On June 11, 2019, 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2019 by rezoning the subject land to a "M1" Manufacturing Light District as shown on the map dated June 11, 2019, and attached as Schedule "A" to this report subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. exterior lighting;
            g. landscaping; and
            h. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan Community Committee 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.

B. That the City enter into, execute and deliver with the Developer a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

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4. That, upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

5. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

1. This is a fantastic project, I'm very excited that Habitat is coming here, they're very, very successful on Wall and I have been to their locations many times.
2. I know that this will be a great asset to Point Douglas and happy that they are moving in there and this is the reason that I will be supporting it.

Exhibits Filed:

1. Application dated February 19, 2019
2. Notification of Public Hearing dated March 22, 2019
3. Manitoba Status of Title 2939806/1
4. Letter of Authorization dated December 16, 2018, from 10005747 Manitoba Ltd. to Darryl Dyck
5. Letter of Authorization dated January 7, 2019, from Darryl Dyck, Director, Treasurer and Signing Officer, 10005747 Manitoba Ltd., to Henry Dyck
6. Surveyor's Building Location Certificate and sketch dated December 20, 2018
7. Caveats 213906/1, 213907/1 and 214047/1
8. Plans (3 pages)
9. Report from the Urban Planning Division dated June 4, 2019
10. Inspection Report
11. Recording of Representations

REPRESENTATIONS:

In Support:

Darryl Dyck
Elsie Dyck
Henry Dyck
Tim Frey
Jason Miller

In Opposition

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "9" referred to in File DAZ 201/2019

ADMINISTRATIVE REPORT

Title: DAZ 201/2019 – 1565 Inkster Boulevard

Issue: Proposed Rezoning to "M1" Manufacturing Light District for the establishment of a retail sales use.

Critical Path: Lord Selkirk - West Kildonan Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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, RPP	n/a	n/a	

RECOMMENDATIONS

1. That, the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2019 by rezoning the subject land to a "M1" Manufacturing Light District as shown on the map dated June 11, 2019, and attached as Schedule "A" to this report subject to the following conditions:

   A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

      i. The Owner must submit plans showing the location and design of any and all proposed:

         - buildings;
         - accessory parking areas;
         - private approaches;
         - garbage enclosures;
         - fencing;
         - exterior lighting;
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7. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to rezone the property to an “M1” Manufacturing Light district. The intent is to establish a warehousing and retail sales use that would sell home building products and related items.
- The property is located in a General Manufacturing policy area, thus the proposed Rezoning would be consistent with *OurWinnipeg* and *Complete Communities.*
- This report provides information, and makes recommendations, regarding the subject application (DAZ 201/2019) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the proposal can proceed.

CONSULTATION

The City’s Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

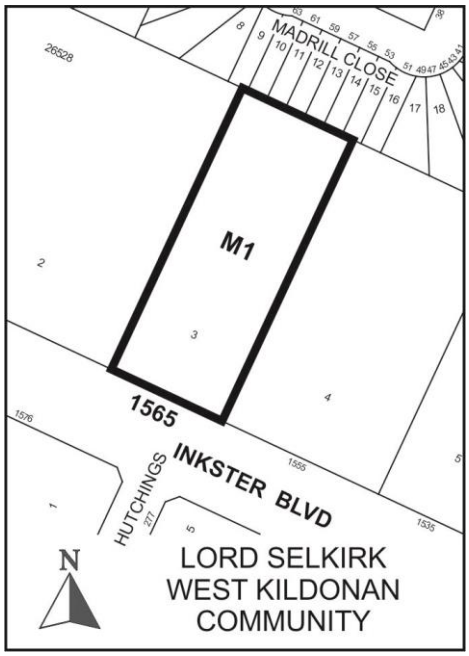
Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	June 4, 2019
File No.	DAZ 201/2019

Attachments

- **Appendix “A,” Planning Discussion**
- **Schedule “A,” of File** DAZ 201/2019**,** Lord Selkirk - West Kildonan **Community Committee, dated** June 11, 2019**.**

Appendix "A," Planning Discussion

DATE:	May 08, 2019
FILE:	**DAZ 201/2019**
RELATED FILE:	DAV 19-109483/D
COMMUNITY:	Lord Selkirk - West Kildonan
NEIGHBOURHOOD #:	3.329 (Inkster Industrial Park)
SUBJECT:	Proposed rezoning to "M1" Manufacturing – Light District.
LOCATION:	1565 Inkster Boulevard
LEGAL DESCRIPTION:	LOT 3 PLAN 26528 3 K OTM



APPLICANT:	Darryl Dyck (10005747 MANITOBA LTD) 108 Ethelbert, Winnipeg, MB R3G 1V6
OWNER:	10005747 MANITOBA LTD. 9 Byron Bay Winnipeg, MB R3K 0R5
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the north side of Inkster Boulevard, in the Inkster Industrial Park neighbourhood and the Point Douglas ward.
- The property is 73,208 square feet in lot area (1.6 acres), with approximately 170 feet of frontage on Inkster Boulevard.
- Currently on the land is an industrial warehouse building with accessory parking area and related works.
- Under *OurWinnipeg* and *Complete Communities* the site is designated as "General Manufacturing" Policy Area.
- Under *Winnipeg Zoning By-law no. 200/2006*, the site is zoned "M2" Manufacturing-General District.



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

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Residential uses zoned "R2" Residential Two-Family District.

South: Inkster Boulevard; then Auto parts and supplies use (Piston Ring) zoned "M2" Manufacturing – General District.

East: Industrial uses zoned "M2" Manufacturing – General District.

West: Place of worship (Church) zoned "M1" Manufacturing Light District.

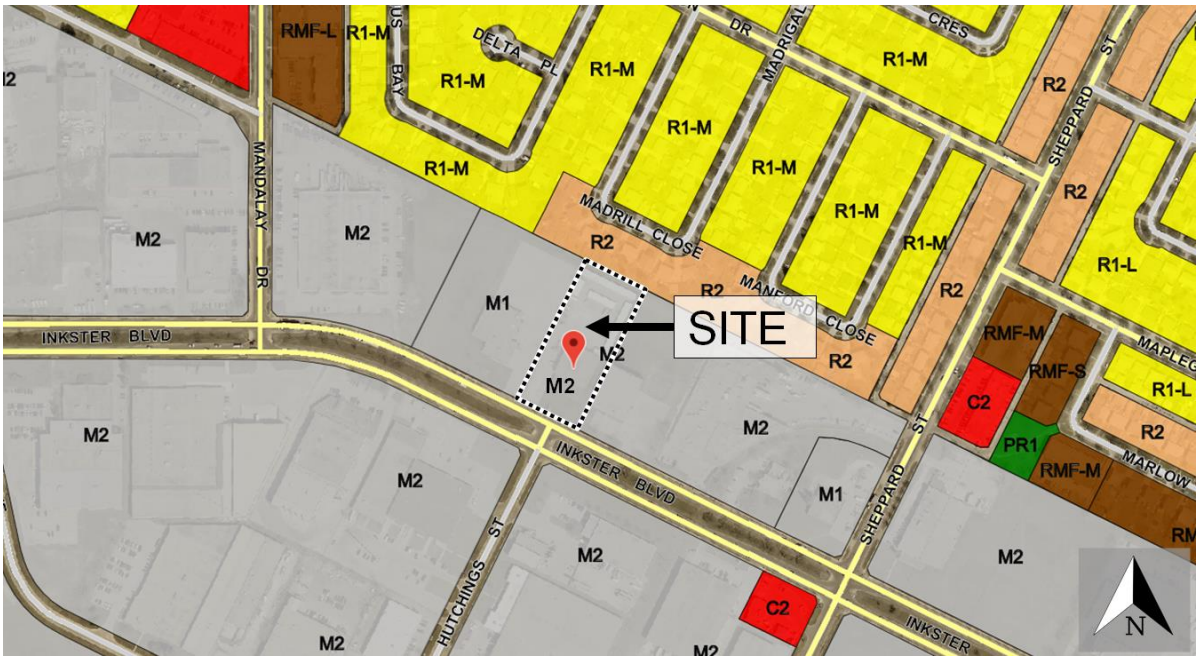


Figure 2: Existing zoning of the subject site and surrounding area.

DESCRIPTION OF THE PROPOSED REZONING

- The applicant proposes to rezone the subject site from an "M2" Manufacturing – General District to an "M1" Manufacturing Light District.
- The intent is to lease the subject property to Habitat for Humanity and use the existing building for warehousing and retail sales of home building products and related items. Habitat for Humanity refers to this as a "ReStore". The ReStore would receive new and used building materials donated by manufacturers, retailers, contractors and homeowners, and the supplies would be resold to the general public at reduced prices.
- **Minor improvements to existing landscaping and fencing are proposed as part of the development. A new concrete pad to allow wheelchair access would be constructed.**
- **The applicant has also applied for variances under related file** DAV 19-109483/D and a report on the matter has been submitted for the Committee's consideration.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

The site is in a "General Manufacturing - Employment Lands" Policy Area of *OurWinnipeg* and *Complete Communities*. The discussion points under "Our New Approach to Employment Lands" outline the City's vision:

> *Facilitates a broader range of uses within Employment Lands, providing flexibility, adaptability and responsiveness to the market place (page 92).*

Key policies include:

> *Maximize the economic development potential of existing and future employment lands.*
>
> *Ensure that employment areas are well-planned, sustainable over the long term and fit the community context*.

In terms of allowing a mix of uses within the “General Manufacturing” Policy Area, the “Use Chart” in *Complete Communities* highlights the mix of uses to be “Limited” allowing “Associated & Supportive Retail” as well as “Warehousing” (see Figure 4).

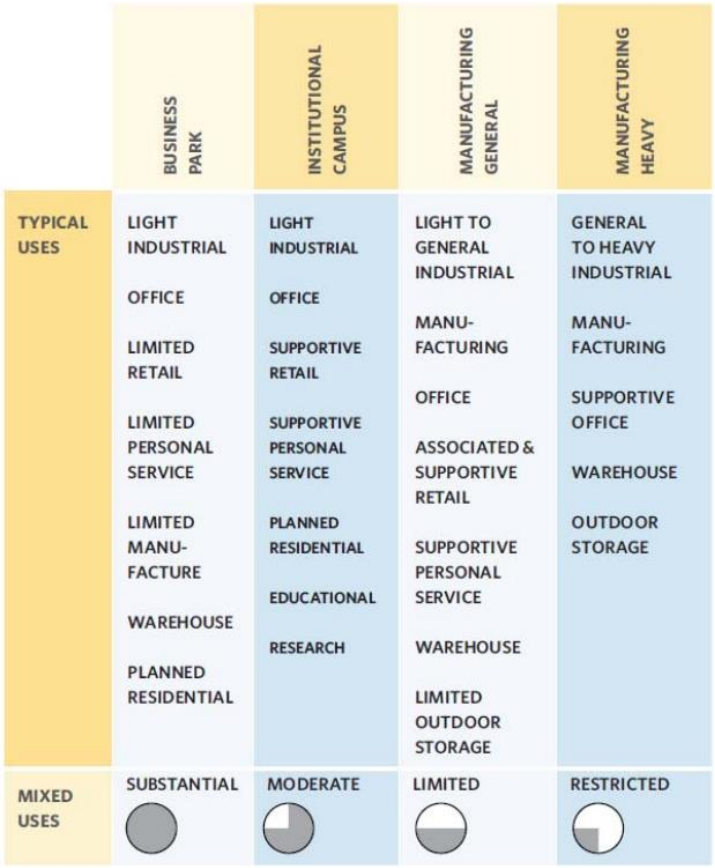


Figure 4: Employment Lands Use Chart (page 93 *Complete Communities*).

CITY OF WINNIPEG ZONING BY-LAW 200/2006

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

Dimensional Standards						
Zoning District	**Minimum/ Maximum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Interior Side Yard (Ft.)**	**Minimum Corner Side Yard (Ft.)**	**Maximum Height of Building (Ft.)**	**Maximum Floor Area Ratio**
M1	25	0 (note a)	0 (note a)	15	50	2.0
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 of refuse or materials, or commercial activities of any kind.					

REZONING ANALYSIS

Proposed Zoning District:

- Given the property is in a “General Manufacturing” policy area of *OurWinnipeg* and *Complete Communities*, a rezoning to “M1” Manufacturing Light District would be appropriate. Thus, the proposed rezoning would be consistent with *OurWinnipeg* and *Complete Communities.*

Compatibility with the Surrounding Neighbourhood

- The proposed rezoning would be compatible with the surrounding neighbourhood because it would be consistent with zoning on adjacent parcels. For example, the property to the west (1575 Inkster Boulevard) is zoned “M1” Manufacturing Light District.
- In addition, the subject property abuts residential uses to the north. The subject land being zoned “M2” Manufacturing General District is entitled to several land uses that may create land-use conflicts given the sensitive uses to the north. For example, permitted “M2” uses include:
    - Heavy equipment sales, service, and rental.
    - Landscape/garden contractor or production.
    - Mini warehouse, Self-Storage
- Thus, the proposed rezoning would overall lessen the potential for land use conflict.
- Also of note, the subject property would provide a 34 feet buffer along the rear (North) yard. Thus, there would be screening and landscaping located between the subject property and residential properties to the north.

RECOMMENDED ZONING AGREEMENT:

- Although no new buildings are proposed, the Urban Planning Division recommends that any future plans for development.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and compatible with the surrounding area.

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

Report Prepared by:
Rakvinder Hayer

PPD File #:
DAZ 201/2019

Schedule "A" of File DAZ 201/2019, Lord Selkirk - West Kildonan Community Committee,
June 11, 2017

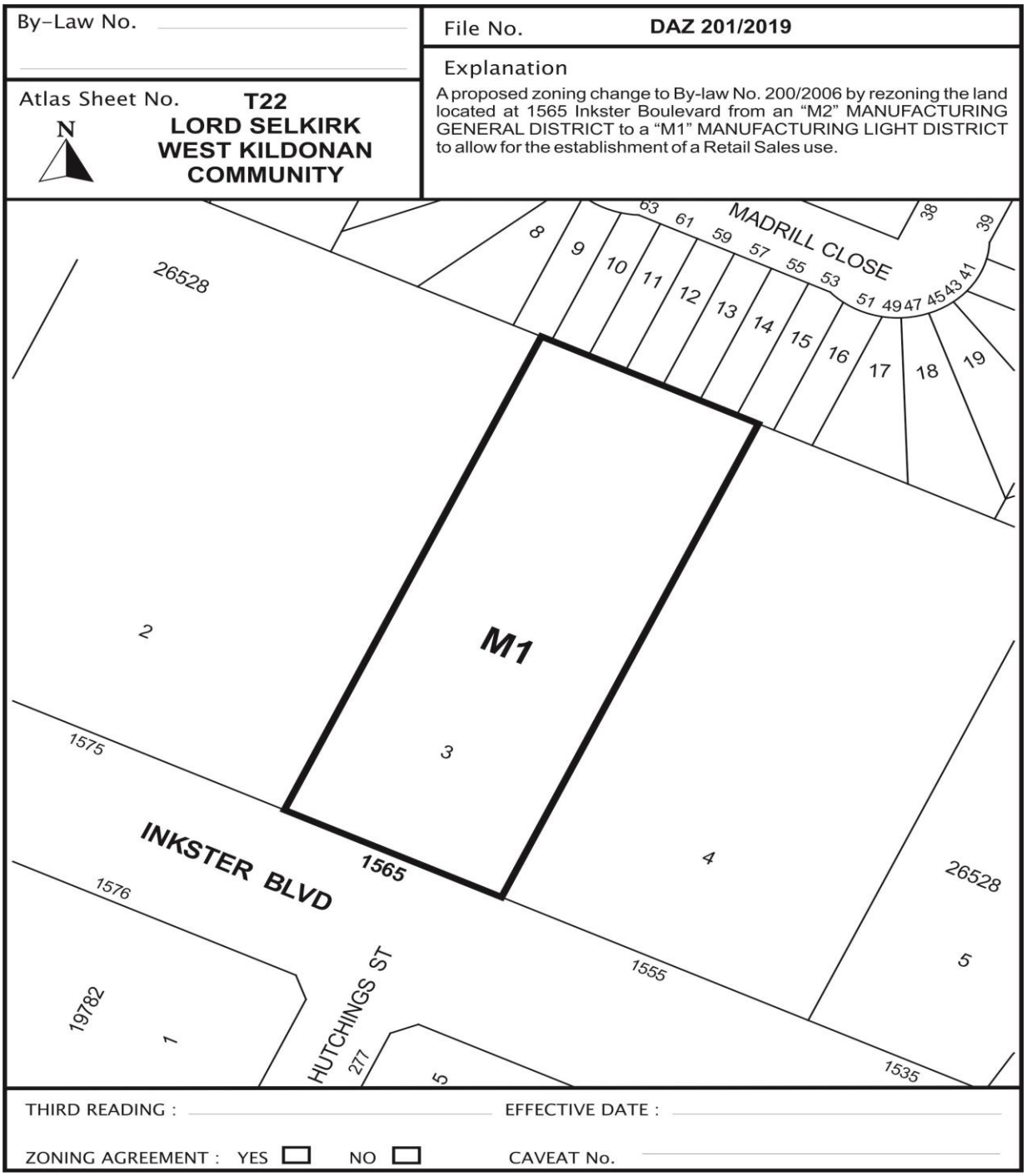
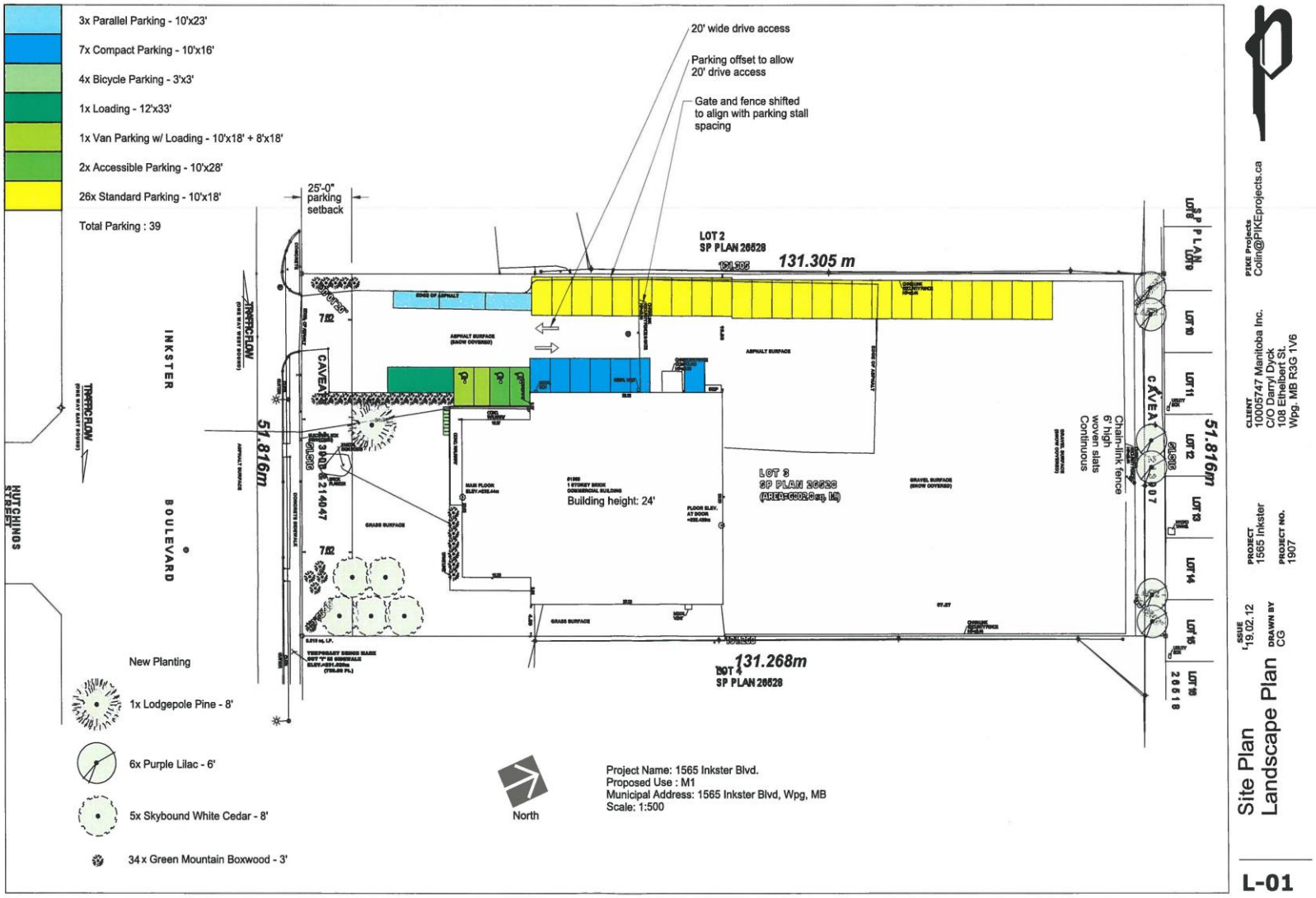
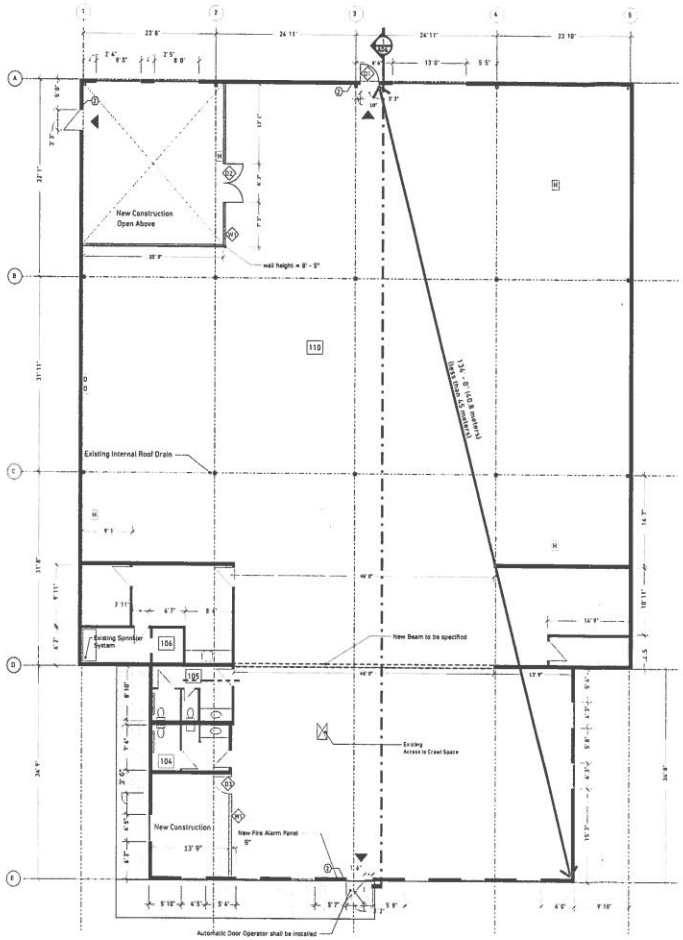


Exhibit “8” referred to in File DAZ 201/2019





A04 New Construction Plan
Scale: 1/8" = 1'-0"

PRIMARY NOTE:

Existing Concrete pad shall be extended (to be specified) to allow for wheelchair access

Minimum turning radius by the enirance door shall be at least 1830 mm.

*please see Sheet A01 for symbols

General notes

engineer

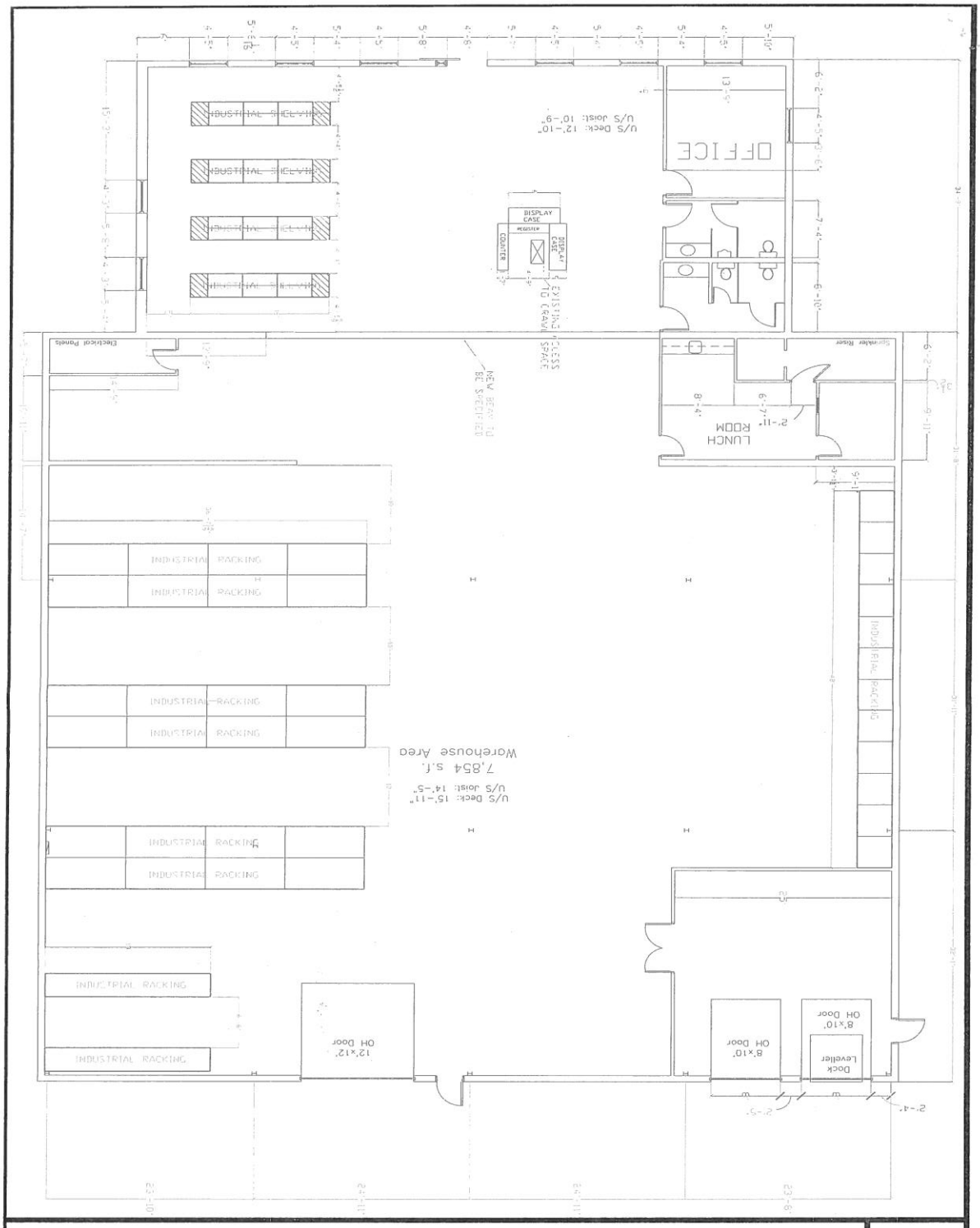
seal

PROVINCE OF MANITOBA
ALDEN A NEUFELD
REGISTERED ARCHITECT

PIKE
PROJECTS

t: 204 510 4760
e: colin@PIKEprojects.ca

project: Habitat For Humanity, 1565 Inkster
sheet title: New Construction Plan
project no.
sheet: A04
date



Habitat for Humanity® Manitoba

PROJECT TITLE
1565 INKSTER BLVD.

DATE
01-24-2019 ISSUED FOR REVIEW

DRAWING NO
C1
1 OF 1

TEMPLATE #
INTERIOR