Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 13 Subdivision and Rezoning - vacant land located north of Taylor Avenue, south of Mathers Avenue and Boulton Bay File DASZ 15/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2004 dated September 13, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2004.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2004 dated September 13, 2004, to a "PR-1" Parks and Recreation District and a "RM-4" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City on Proposed Lot 1 pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That prior to the issuance of a development permit plans showing the site layout, access, parking, loading, building elevations, landscaping, fencing and exterior lighting be submitted for the approval of the City Centre Community Committee.

    B. That site access be limited to Boulton Bay.

    C. That buildings on the site be limited to four (4) storeys and a total of ninety-five (95) units.

Report - Standing Policy Committee on Property and Development - October 5, 2004

4. That the requirement that a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable) be waived.

5. That proposed Lot 1 be declared surplus to Parks and Open Space needs and requirements in accordance with Section 205(2) of The City of Winnipeg Charter subject to Council approval of DASZ 15/2004.

6. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

7. That the City Solicitor/Manager of Legal Services 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 execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

With respect to Recommendation 5, and, pursuant to Section 205(2) of The City of Winnipeg Charter, land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.

Report - Standing Policy Committee on Property and Development - October 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 1032 Wilkes Avenue**
File DASZ 15/2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **September 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 15/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2004 dated September 13, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2004.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2004 dated September 13, 2004, to a "PR-1" Parks and Recreation District and a "RM-4" Multiple-Family District subject to the applicant entering into a Zoning Agreement with the City on Proposed Lot 1 pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

    A. That prior to the issuance of a development permit, plans showing the site layout, access, parking, loading, building elevations, landscaping, fencing and exterior lighting be submitted for the approval of the City Centre Community Committee.

    D. That site access be limited to Boulton Bay.

    E. That buildings on the site be limited to four (4) storeys and a total of ninety-five (95) units.

4. That the requirement that a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable) be waived.

5. That proposed Lot 1 be declared surplus to Parks and Open Space needs and requirements in accordance with Section 205(2) of The City of Winnipeg Charter, subject to Council approval of DASZ 15/2004.

6. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

7. That the City Solicitor/Manager of Legal Services 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 execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

1. That it is rare for the City to ever give up park land and this development will provide a greater amount of greenspace for the area.

2. That this development will provide certainty for the area for which there is not currently.

3. That this is a low rise proposal.

4. That this development is going to provide an opportunity for people to stay in the neighbourhood.

PUBLIC HEARING SUMMARY

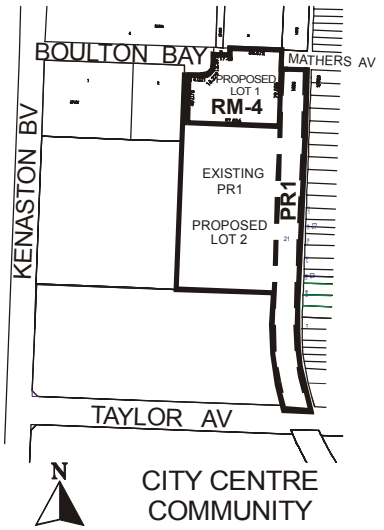
File: DASZ 15/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: September 21, 2004
Council Chamber
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan

Subject:



APPLICANT :RAYMOND S.C. WAN
FILE : DASZ 15/04
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. 6400/94 by rezoning the land shown outlined above from an "R1-4" SINGLE-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and from a "PR1" PARKS AND RECREATION DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: vacant land located north of Taylor Avenue, south of Mathers Avenue and Boulton Bay

Exhibits Filed:

1. Application dated May 4, 2004
2. Notification of Public Hearing dated July 6, 2004
3. Manitoba Status of Title(s) 1930727
4. Letter of authorization dated April 23, 2004 from Harold Sweetland, Asset Manager, Railway Properties, Canadian National Railway Company, to Marwest Development Corporation
5. Letter of authorization dated April 23, 2004 from Henry Paetkau, Vice-President and General Manager, Marwest Construction Ltd., to Raymond S. C. Wan, Architect Inc.
6. Letter of authorization dated April 30, 2004 from The City of Winnipeg to Marwest Group of Companies
7. Extract of Atlas Sheet AE20
8. Drawings (2 pages) of subject property
9. Plans (7 pages)
10. Report from the Manager of Planning and Land Use dated September 13, 2004
11. Report from the Administrative Coordinating Group dated August 30, 2004
12. Inspection Report
13. Presentation, in opposition to the application, submitted by Linda Tuchiwsky at the public hearing.
14. Presentation, in opposition to the application, submitted by Doug Geddes
15. Presentation, in opposition to the application, submitted by John Young at the public hearing.
16. Presentation, in opposition to the application, submitted by Phyllis Doran

REPRESENTATIONS:

In Support:

Wade Kastes
Raymond S.C. Wan Architect

In Opposition:

Clemente Adamo
Joseph Doran

Phyllis Doran
Douglas and Catherine Geddes
Mary-Ann Gibson
Barry Heibert
Michelle Hogue
Craig Mitchell
Theresa Moore
Arleigh Morris
P. Rebizane
Joe Remus
Brenda Scarcella
Nancy Schenkeveld
Kenneth B. Smith
Linda Tuchiwsky
John G. Young

For Information:

Robert Kraigsley
Anna Manicotto

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The Applicant, Raymond W. C. Wan, accompanied by Wade Kastes, appeared in support of application and gave a brief presentation on the application. Mr. Wan stated that he had tried to have a public consultation with the area residents, but the by-election had delayed the meeting.

Councillor Smith inquired at to the landscaping.

Mr. Wan stated that final landscaping plans were not ready, but would be submitted for approval.

Councillor Benham inquired as to having a public meeting with the area residents now.

Mr. Wan stated that the development application had already been held up for three months with the by-election and the prorogue period. He also stated that he had provided answers to the few phone calls he had received on the terms of parkland, buffers, and privacy for the existing residents. He further stated he would strongly urge not to adjourn the matter any more.

Linda Tuchiwsky appeared in opposition to the application and submitted a written presentation, filed as Exhibit 13.

Doug Geddes, appeared in opposition and submitted a written presentation, filed as Exhibit 14.

John Young appeared in opposition to the application and submitted a written presentation, filed as Exhibit 15.

Councillor Benham inquired as to the soil being tested.

The Senior Planner stated testing of the soil had not yet been done, but that the land exchange would include any cleaning necessary.

Mary Ann Gibson, appeared in opposition. Ms Gibson stated concerns of increased traffic.

Nancy Schenkeveld appeared in opposition to the application. Ms Schenkeveld stated concerns with traffic, Boulton Bay becoming a throughout way, why a public consultation could not have been held in August, and of having a four-story building right behind her property

Craig Mitchell appeared in opposition to the application. Mr. Mitchell stated concerns with other park areas being target for development and of losing green space in the area.

Phyllis Doran, appeared in opposition to the application and submitted a written presentation, filed as Exhibit 15.

Brenda Scarcella appeared in opposition to the application. Ms Scarcella stated concerns with park land being lost, Mathers Avenue and Boulton Bay being merged, and traffic.

Arleigh Morris appeared in opposition to the application. Ms Morris stated that there were already five large apartment style developments in the area and no other parkland in the area.

In rebuttal, Raymond S. C. Wan stated that they were assured that the soil was clean, that the development would provide more parkland with the configuration of the development. Mr. Wan also stated that the developer and his firm had a good reputation. He further stated that there was a substantial need for this development and in area.

Mr. Kastes stated that there were thirteen comparable developments in the city and all were full.

Exhibit "10" referred to in File DASZ 15/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DASZ 15/04
Our c/f CP 500 (.618)

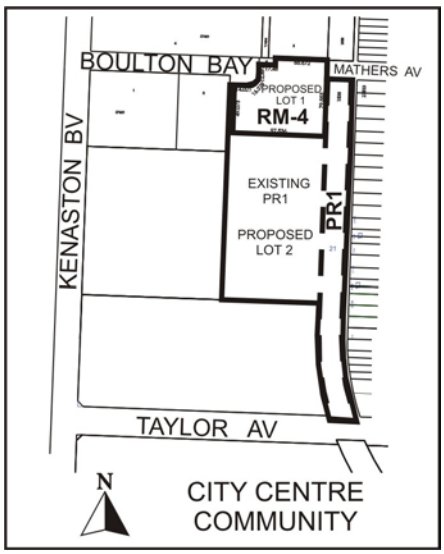
September 13, 2004

Ms. Josie Marques, Clerk
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the south side of Boulton Bay east of Kenaston Boulevard
City Centre Community
File No. DASZ 15/04

An application has been received from Raymond S.C. Wan for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by subdividing and rezoning the subject lands from a "PR-1" Parks and Recreation District and "R1-4" Single-Family Residential District to a "PR-1" Parks and Recreation District and "RM-L" Multiple-Family Residential District, to permit construction of a seniors' assisted care residential facility.



SITE DESCRIPTION:

Site Area: Approximately 1.7 acres.

Existing Land Use and Zoning: Public parking lot and softball diamond zoned "PR-1" Parks and Recreation District.

Surrounding Land Use and Zoning: The proposed development site is that part of the Joe Malone Park containing the softball diamond and parking lot, zoned "PR-1" Parks and Recreation District. Immediately north of the site is a stormwater retention basin. To the south are four tennis courts, a play structure, and a soccer pitch. To the west are apartment buildings fronting Kenaston zoned "RM-3" Multiple-Family Residential District. To the east is the abandoned CN Oak Point rail line. In the case of roads and rail lines, the zoning of the adjacent lands extends to the middle of the rights-of-way. Therefore, the west half of the abandoned Oak Point rail line is zoned "PR-1", the zoning of the adjacent park, while the east half is zoned "R1-4" Single-Family Residential District, which is the zoning of the houses to the east of the abandoned rail line fronting Centennial Street.

DEVELOPMENT DESCRIPTION:

The developer (Marwest) is proposing to construct a for-profit, 4-storey, 95 unit seniors' assisted living apartment building on a 1.7 acre portion of Joe Malone Park (proposed Lot 1). The developer has purchased the abandoned rail line between Mathers Avenue and Taylor Avenue. The developer is proposing to exchange of the abandoned rail right-of-way for the parkland. The parkland would be rezoned to "RM-4" Multiple-Family Residential District to permit construction of the seniors' assisted living facility. The rail lands would be rezoned "PR-1" Parks and Recreation District, becoming part of Joe Malone Park.

The building is L-shaped with the west wing running parallel to the south property limit of Proposed Lot 1, and the north wing running parallel to the east property limit. The main building entrance is located in the angle where the two building wings meet, oriented towards the northwest and Boulton Bay. The development would be accessed off Boulton Bay, which connects to Kenaston Boulevard. The site plan shows surface parking for 37 vehicles, whereas the by-law requires 21 stalls based on 1 guest space for every 20 residents plus 1 stall for every 3 employees on the maximum shift. The proponent, Marwest, owns the adjacent Boulton Estates at 690 Kenaston, which has a large parking lot with surplus stalls that can accommodate overflow parking if necessary.

The building will provide one- and two-bedroom units with enclosed balconies and combined kitchen, dining and living rooms. The main dining room and kitchen will be located on the first floor opposite the building entrance. The other floors will be provided with sitting lounges and common recreation rooms. The suite rental will include at least one meal per day. The building will be provided with 2 passenger elevators. The exterior will be brick and stucco.

The project would separate the drainage pond at the north end of the park from the tennis courts, play structure, and soccer pitch at the south end of the park. Vehicular access to the drainage pond for maintenance purposes would be retained from Boulton Bay, as would access to the remaining recreation facilities to the south via a 20 foot driveway along the west side of the development. The addition of the rail lands to the park would provide additional opportunities for public access to the park. This might involve the development of a pathway system linking Taylor, Boulton Bay and Mathers Avenue, and possibly the development of a public parking lot off Taylor Avenue. The Planning and Land Use Division is in dialogue concerning these matters with the Community Services Department and the local Sir John Franklin Community Centre, which helps co-ordinate the sports programming for Joe Malone Park.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Neighbourhood Planning Branch supports the proposal, and is prepared to recommend approval of the application conditional upon the satisfactory resolution of the land exchange component. The building itself is consistent with the scale of development along Kenaston Boulevard. No zoning variances are required. The development provides the required yards (separation space between building and property lines). The east yard, in particular, which faces the single-family housing fronting Centennial Street, is over 37 feet in depth. The separation distance from the east wall of the building to the rear property line of the Centennial Street houses is about 140 feet. Privacy, property enjoyment and any activity generated by the facility will not be issues for area residents. Likewise, vehicular access is restricted to Boulton Bay, and Kenaston Boulevard, and will not impact the adjacent neighbourhood to the east. On-site parking meets the by-law requirement for personal care homes. The Division supports infill housing generally, as well as the planning concept of "aging-in-place", whereby seniors' housing is available so that elderly residents need not leave their home neighbourhoods in order to find suitable accommodation.

This proposal hinges on the City's willingness to carry through with the land exchange proposal. This is a separate process from the current subdivision and rezoning application. By a two-thirds majority, City Council must approve the disposal of the parkland. This subdivision and rezoning will not proceed unless and until the proponent is given title to the required park land, Proposed Lot 1. If Council approves the land exchange, the exchange agreement can be finalized including matters such as the replacement of the ball diamond, play structure, and parking lot. The Council Instruction concerning Park Dedication, Part IV in the foregoing, recommends that the Dedication be waived as the provision of land does not apply and the cash-in-lieu option would be satisfied under the terms of the land exchange agreement.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 15/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 15/04, attached hereto and dated September 13, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2004;

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 15/04, attached hereto and dated September 13, 2004, to a "PR-1" Parks and Recreation District and a "RM-4" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City on Proposed Lot 1 pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, loading, building elevations, landscaping, fencing, exterior lighting, be submitted for the approval of the City Centre Community Committee.

F. That site access be limited to Boulton Bay.

G. That buildings on the site be limited to 4 storeys and a total of 95 units.

IV. That the requirement, that a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites, (if applicable), be waived.

V. That proposed Lot 1 be declared surplus to Parks and Open Space needs and requirements, in accordance with Section 205(2) of The City of Winnipeg Charter, subject to Council approval of DASZ 15/04.

VI. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

VII. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VIII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

X. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XI. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell , Senior Planner
(City Centre Community)
986-5017

/jc

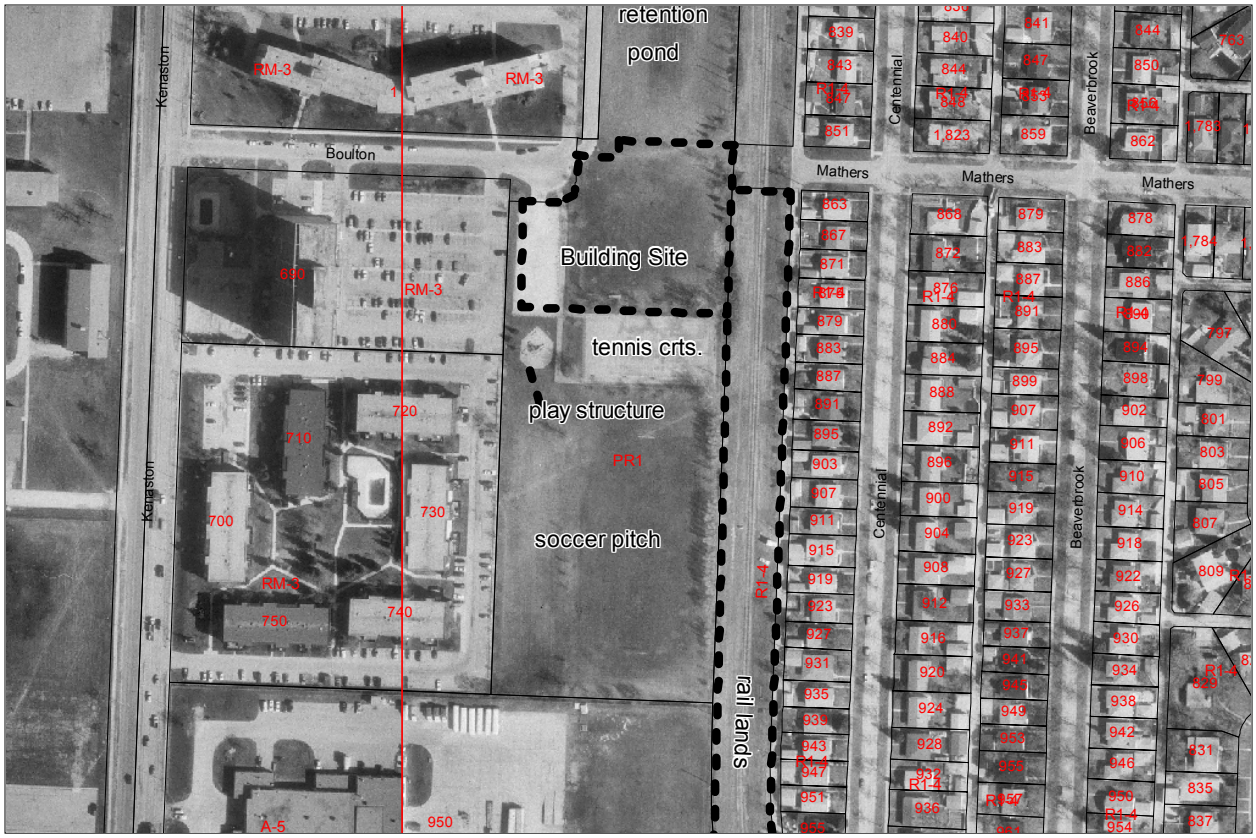


Figure 1: Air Photo of Site.

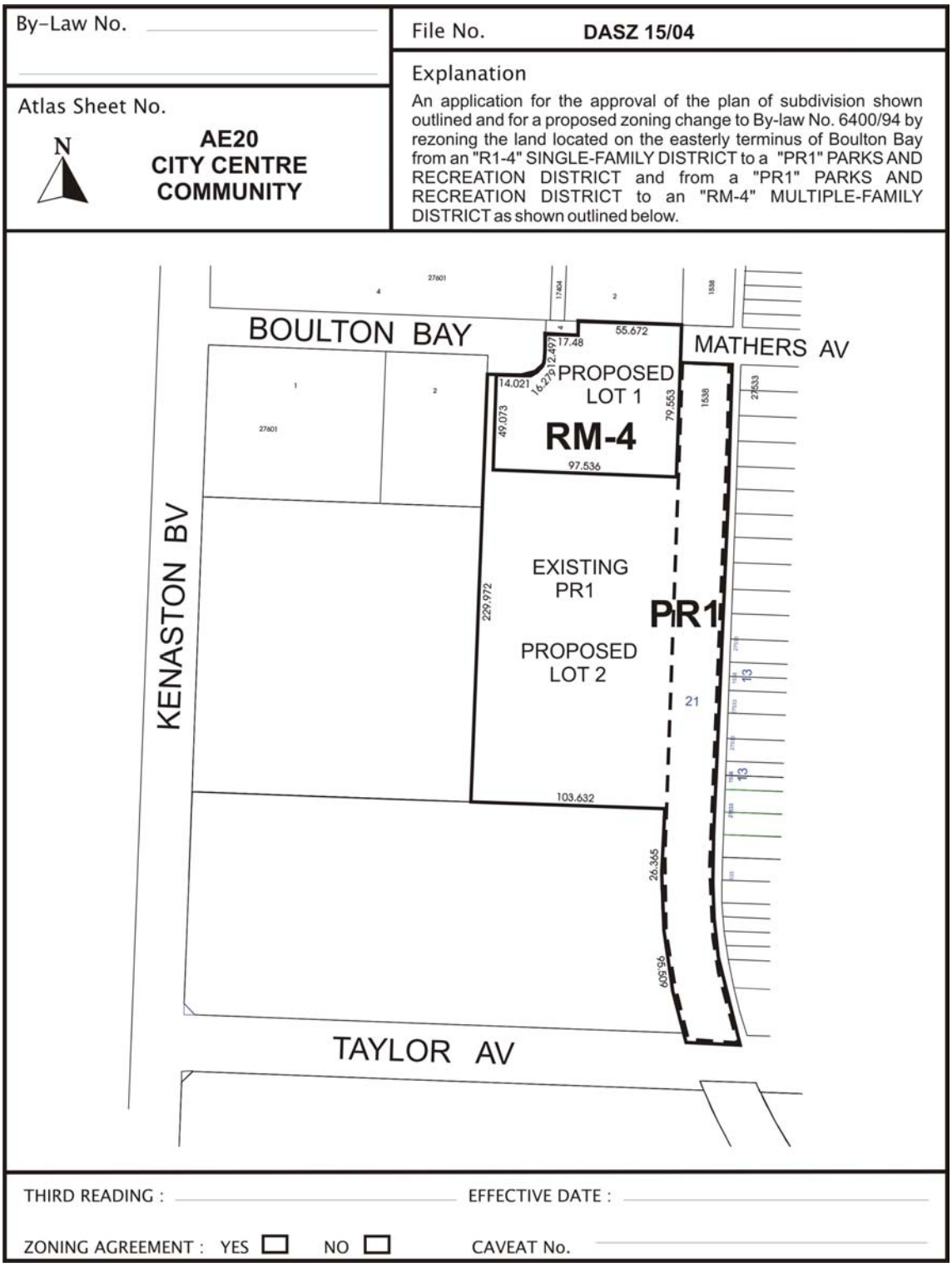


Figure 2: Schedule "A" to the report to the City Centre Community Committee for file No. DASZ 15/04, dated September 13, 2004.



Figure 3: Air Photo of Area.

Exhibit "11" referred to in File DASZ 15/2004

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch

Winnipeg

Date: September 13, 2004

To: J. Marques, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed subdivision and rezoning of land located at the east terminus of Boulton Bay – DASZ 15/04**
FILE: AG 15/04 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated August 30, 2004 in connection with the above referenced development application being submitted for consideration by the City Centre Community Committee at its meeting to be held on September 21, 2004.

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

ELC/ld

cc: E. Axelrod, Subdivision Officer
W.R. Stovel, Legal Services
R.J. Hartmann, P.Eng., Public Works Department
K.T. Raban, P.Eng., Water and Waste Department
R. Mitchell, Planner
Councillor Benham
Raymond S.C. Wan Architect Inc., 10 – 1200 Waverley Street, Winnipeg, Manitoba R3T 0P4

Enclosure

Re: Proposed subdivision and rezoning of land located at the east terminus of Boulton Bay – DASZ 15/04

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

August 30, 2004

5150

Re: Proposed subdivision and rezoning of land located at the east terminus of Boulton Bay – DASZ 15/04

An application has been submitted by Raymond S.C. Wan to subdivide and rezone land located at the east terminus of Boulton Bay. It is recommended that approval of DASZ 15/04 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, relocate the existing 250mm watermain traversing proposed Lot 1 as determined by and to the satisfaction of the Director of Water and Waste. It is understood that the City shall retain easements for both the relocated watermain and for the existing north-south watermain as determined by the Director of Water and Waste.
2. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the relocation of the existing watermain.
3. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 15/04
August 30, 2004

V:\7-ACG Reports\04ag15-report.doc

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division