Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 17 Rezoning - 60-90 Hoka Street
File DAZ 225/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 225/2006 dated June 27, 2006, to a "M2" Industrial District.

2. 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – September 5, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- That Recommendation No. 1. be amended by deleting the word "M1" in the second line thereof and substituting therefore the word "M2",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 60-90 Hoka Street**
File DAZ 225/2006

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **July 25, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 225/2006 dated June 27, 2006, to a "M1" Industrial District.

2. 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The subject application is a rezoning from an "M3" to an "M2" Industrial District, and is consistent with the Transcona Yards Neighbourhood Area Redevelopment Plan.

PUBLIC HEARING SUMMARY

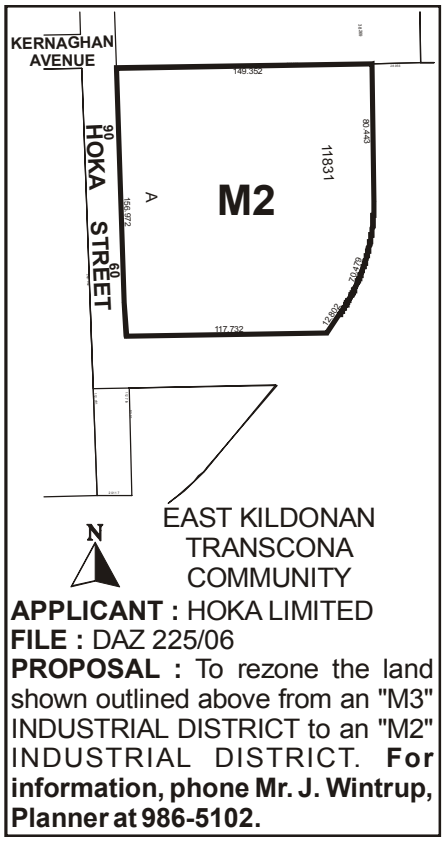
File: DAZ 225/2006

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: July 18, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Hoka Limited
(Bob Mathieson)

Subject:



Premises Affected: 60-90 Hoka Street

Exhibits Filed:
1. Application dated June 6, 2006
2. Notification of Public Hearing dated June 13, 2006
3. Manitoba Status of Title 1945974

4. Letter of authorization dated May 18, 2006, from the President, Hoka Limited, to Robert J. Mathieson
5. Variance Order DAV 132969/2006C
6. Plan
7. Report from the Planning and Land Use Division dated June 27, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Bob Mathieson

In Opposition:

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bob Mathieson appeared in support of the application. He advised that the subject property is a multi-tenant site with two buildings, and that the intent is to develop an office space that will occupy less than 1/3 of one of the existing buildings. In this connection, he advised that the Board of Adjustment approved a change of use for a period not to exceed 5 years to permit an office use on the subject site, and that the subject application would allow a permanent use on the site.

Exhibit "7" referred to in File DAZ 225/2006

Winnipeg

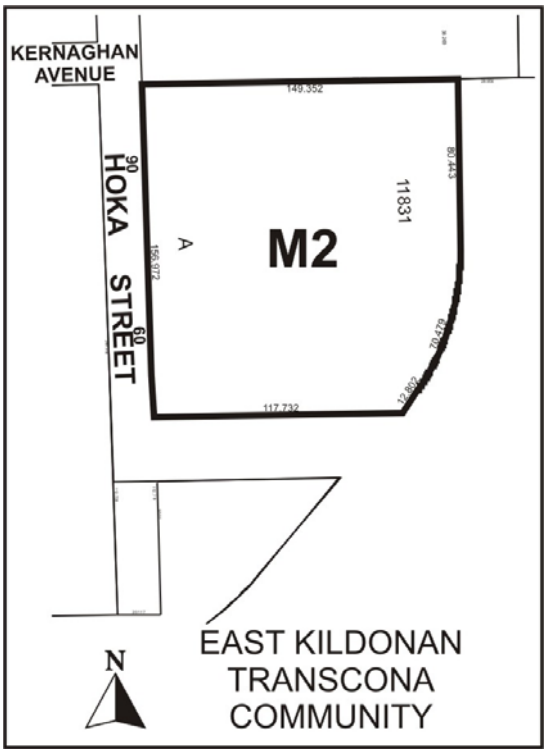
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 27, 2006**
File: **DAZ 225/06**
Related Files: **DAV 06-132969/C**

Subject: **Rezone the land to allow an office use in an existing building.**

Location: **60 – 90 Hoka Street**
Legal Description: PCL A PLAN 11831 5 11 4E



Applicant: Shelter Canadian Properties Limited (Bob Mathieson)
Owner: HOKA LIMITED

Recommendation: Approve

Report Summary:

- The applicant intends to establish a 5,000 square foot office use in an existing building on a multi-tenant property.
- The Transcona Yards Industrial Neighbourhood Secondary Plan provides for policies that encourage office uses in this area of the Transcona Yards.
- The existing tenants would be permitted uses in the proposed "M2" District.

Site Description

The subject property is on the east side of Hoka Street, south of Pandora Ave in the Transcona Yards industrial neighbourhood of the Transcona ward. The subject property is zoned "M3" Heavy Industrial District. Adjacent properties to the east are zoned "M3" Industrial District and is the CNR Yards. The properties to the west across Hoka are zoned "M2" Industrial District.

Background

DAV 06-132969/C

The Planning and Land-use Division does not generally accept use variances without being accompanied by a rezoning. However, the policies of the Secondary Plan clearly indicate the requirement to encourage office uses in this area of the Transcona Yards. The applicant has made application for a 'use' variance that will go before the Board of Adjustment on July 12, 2006 with a positive recommendation. A rezoning to 'M2' Industrial is required to permanently permit this use.

Description of the Proposed Development

The applicant intends to establish a 5,000 square foot office use in an existing building. The existing uses on the property will remain.

Analysis

SECONDARY PLAN

The general land use plan of the Transcona Yards Industrial Neighbourhood Secondary Plan provides for policies that support continuing heavy industrial uses at the centre of the site (primarily CN Rail activity), while encouraging a move to lighter, more moderate industrial/commercial activity at the periphery of the area, where land use conflicts are most likely to occur.

The specific policies for Sub Area 'B', which includes the lands along Hoka, state the following:

4.2.1 Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise.

LAND USE BYLAW ISSUES

Restrictions on variances

247(4) A variance must not be approved if it makes a change of land use other than

(a) a temporary change of land use for a period of not more than five years;

- The Board of Adjustment is restricted from extending a variance for use beyond 5 years.
- The applicant must make an application to rezone the property to "M2" Industrial District to permanently permit this use.
- The variance, if granted, will allow the applicant to begin construction/renovation of the space prior to a rezoning being approved by Council, which may take several additional months.
- The variance may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.
- The existing tenants would be permitted uses in the proposed "M2" District.

ZONING ANALYSIS

- The **"M2" Industrial District** allows for some limited outside operations in addition to storage with 152 Permitted Uses and 38 Conditional Uses. The uses include Bank, Cocktail Lounge, Hotel, Gas Station, manufacturing and Restaurant. Office Use is permitted.
- The **"M3" Industrial District** allows for heavy industrial development of a potentially noxious nature with 134 Permitted Uses and 12 Conditional Uses. Office Use is not permitted.

SITE PLAN

- The subject property is a multi-tenant site with two buildings.
- The 5,000 square foot office space will be located in a 22, 243 square foot building along Hoka Street.
- The remaining 17, 243 square feet will remain vacant at this time.
- The other tenants of the subject property include: Allan's Glass and Aluminium Products, Endries International Ltd., Phoenix Recycling, Dufrense Furniture and Appliances.

Recommendation

The proposed development meets the intention of the Transcona Yards Industrial Neighbourhood Secondary Plan to encourage lighter industrial and office uses in the area.

The office development is compatible with the surrounding uses that can be considered a lighter industrial activity as compared to the heavy industrial activity of the CNR Yards.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ 225/06**, attached hereto and dated, **June 27, 2006**, to a "**M1" Industrial District.**

2. That a ten (10) per cent 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: John S. Wintrup
PPD File # DAZ 225/06

Schedule "A"

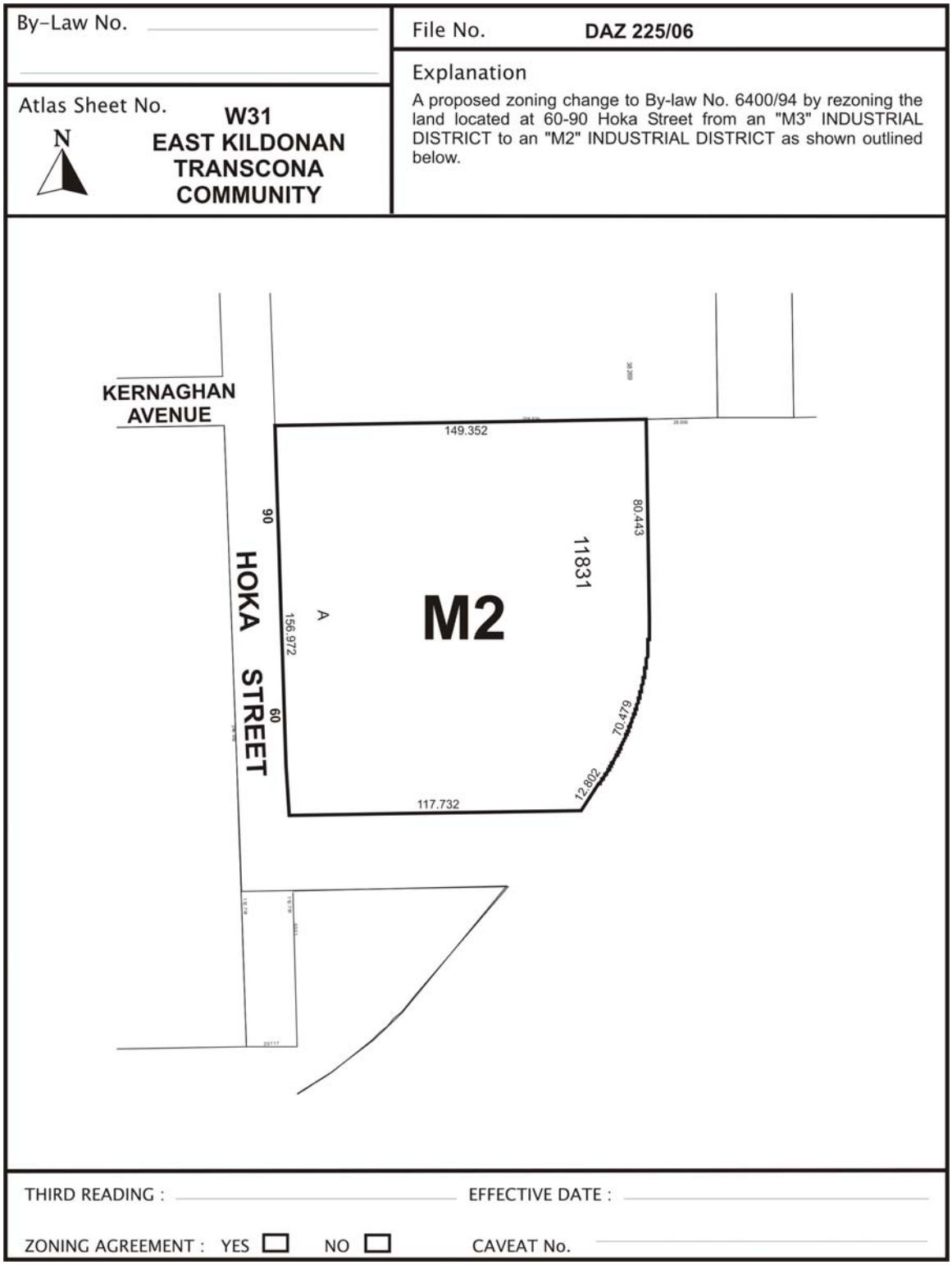


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 225/06, dated June 27, 2006.

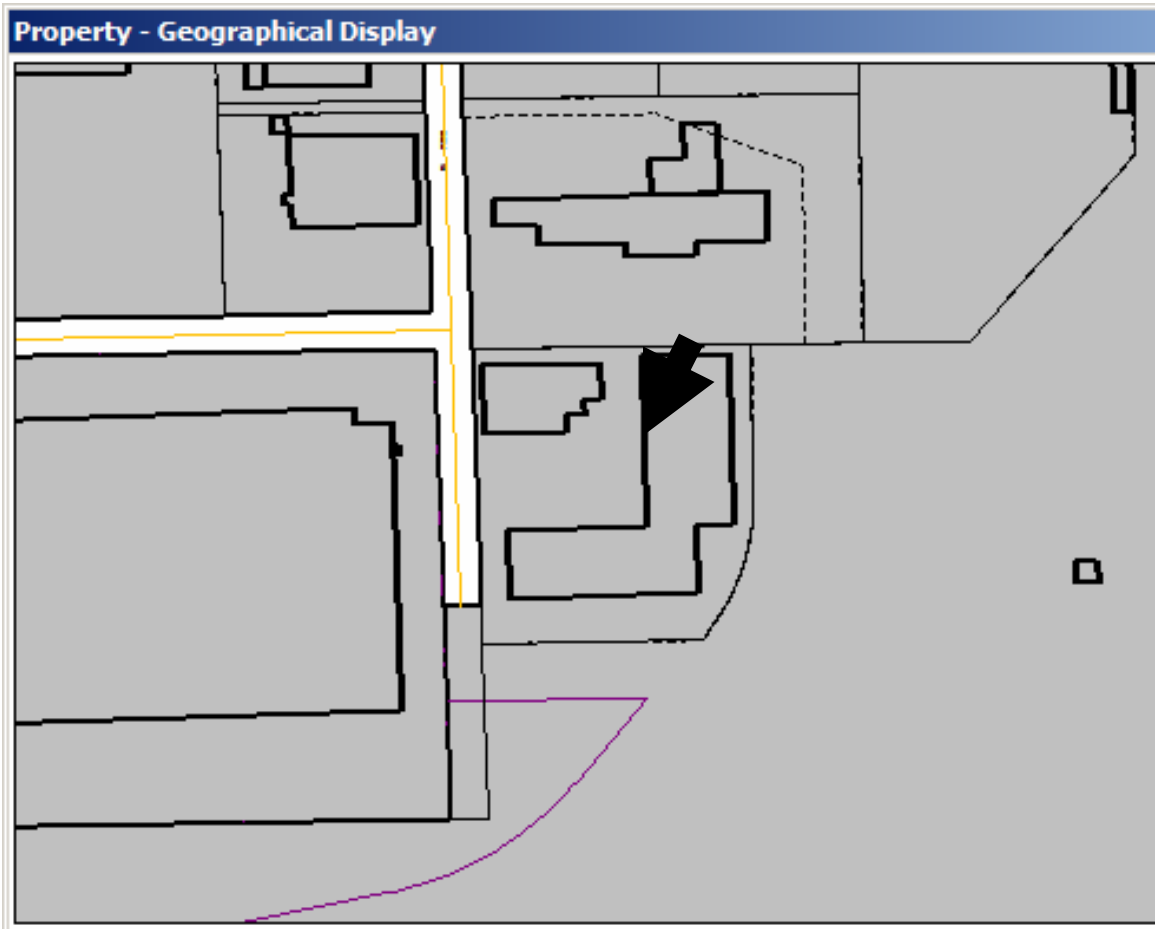


Figure 2: Existing Zoning for subject property and Surrounding Area.

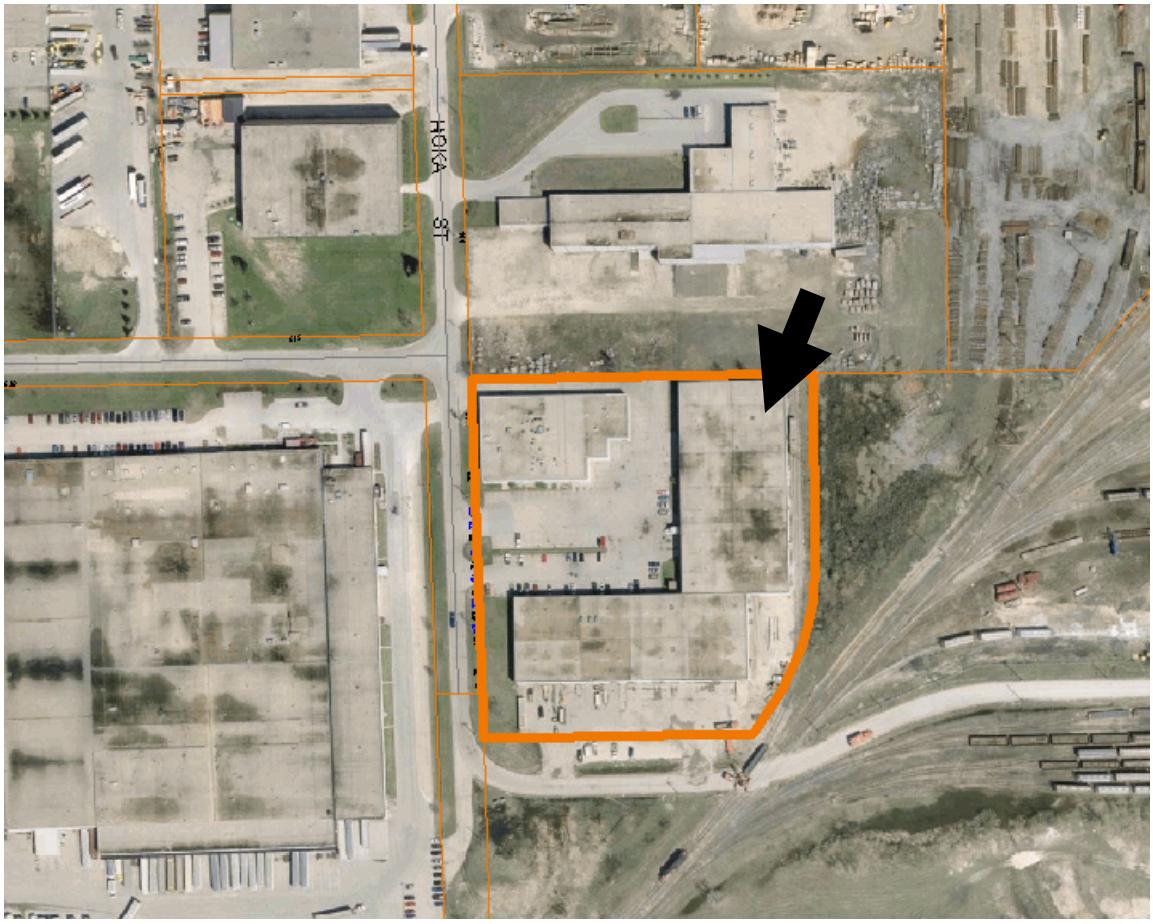


Figure 3: Existing Land-Uses for subject property and Surrounding Area.