Agenda – Council – September 27, 2006

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

Item No. 21 Rezoning – 1455 Buffalo Place
File DAZ 229/2006

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 City Centre Community Committee 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 229/2006 dated June 27, 2006, to an "M1-B" Light Industrial District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:
        i. that uses be restricted to:
            a. all "MP-2" Industrial District permitted and conditional uses.
            b. office.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

7. 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 City Centre Community Committee 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 City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 4, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1455 Buffalo Place**
File DAZ 229/2006 [c/r DAV 136928/2006D]

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

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

Report date: **July 6, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 4, 2006, the City Centre 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 229/2006, dated June 27, 2006, to an "M1-B" Light Industrial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:
        i. that uses be restricted to:
            a. all "MP-2" Industrial District permitted and conditional uses;
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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated June 27, 2006.

PUBLIC HEARING SUMMARY

File: DAZ 229/2006 [c/r DAV 136928/2006D]

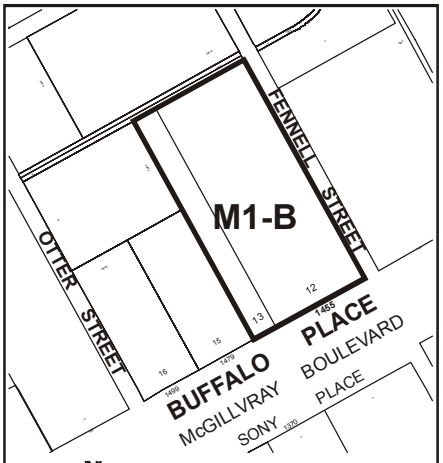
Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: July 4, 2006
Council Chamber
Council Building, 510 Main Street

File: DAZ 229/2006 [c/r DAV 136928/2006D]

Applicant: Colliers Pratt McGarry (Murray MacRae)

Subject:



Premises Affected: 1455 Buffalo Place

Exhibits Filed:

1. Application dated June 14, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Titles 2041101, 2041102
4. Letter of authorization dated June 13, 2006 from John Pollard, President, Saults & Pollard Real Estate Ltd., to Colliers Pratt McGarry and/or Syverson Monteyne Architecture
5. Surveyor's Building Location sketch dated 2001
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated June 27, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Murray MacRae, Colliers Pratt McGarry

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant Murray MacRae, Colliers Pratt McGarry, appeared in support of the application. Mr. MacRae stated his only concerns with the limits of the "MP-2" Industrial District and office uses and requested unrestricted "M1-B" Light Industrial Uses.

Exhibit "7" referred to in File DAZ 229/2006 [c/r DAV 136928/2006D]

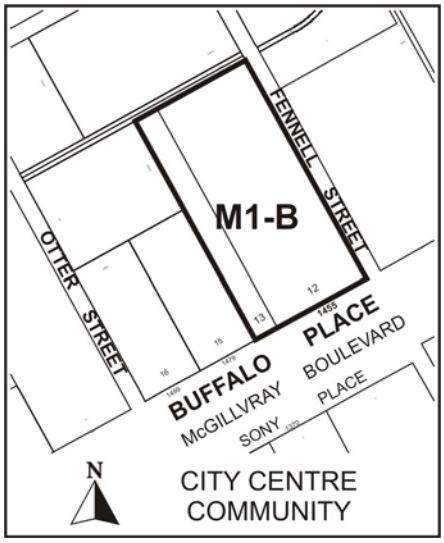
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 27, 2006
File: **DAZ 229/06**
Related Files: DAV 06- 136928/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "MP-2" Industrial Park District to an "M1-B" Light Industrial District.

Location: 1455 Buffalo Place
Legal Description: SP Lot 12 Plan 23262, SP Lot 13 Plan 23262



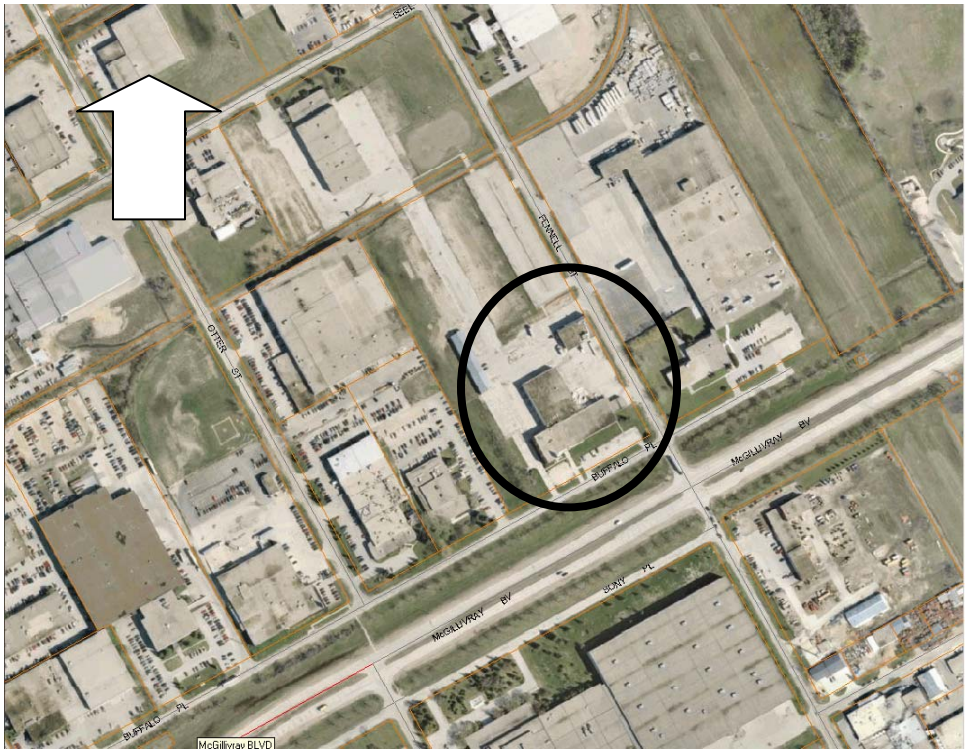
Applicant: Colliers Pratt McGarry
Owner: Saults & Pollard Real Estate Ltd.

Recommendation: Approved

6270

Site Description

The subject site is located at the north west corner of Buffalo Place and Fennell Street (McGillivray Boulevard parallels Buffalo to the south), within the Fort Garry Industrial Park. It and surrounding properties are developed with industrial uses, zoned "MP-2" Industrial Park District.



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant intends to lease space in an existing building to office and dance studio tenants, neither of which is associated with or incidental to a permitted warehouse or industrial use.

Analysis

The subject site and the Fort Garry Industrial Park are designated "Industrial" under *Plan Winnipeg*. This designation accommodates a variety of industrial, commercial, and institutional uses. The industrial park zoning district is intended to provide for development of a higher design standard than other industrial districts, with stricter land use provisions. Fort Garry Industrial Park—in particular properties along Buffalo Place—has retained these standards, perhaps moreso than in other industrial parks.

Subordinate and incidental office uses are provided for under the "MP-2" Industrial Park District use list as an "Accessory use". "Dance studio" is not permitted in either the "MP-2" or proposed "M1-B" districts. Although there is evidence of stand-alone (non-accessory) professional offices within Fort Garry Industrial Park, these are clearly the exception. Recent professional office proposals have been supported—subject to rezoning from "MP-2" to "M1-B"—due to the operational compatibility of office and industrial uses as part of employment centres. This

compatibility is reflected, in part, in the draft revised zoning by-law ("Comprehensive Review of *Winnipeg Zoning By-Law* #6400/94"), which identifies a "Manufacturing – Mixed Use" district. This category will permit stand-alone office uses. From these perspectives, Planning & Land Use Division recommends approval of the rezoning to "M1-B" to accommodate the proposed office use—subject to a Zoning Agreement.

It should be noted, however, that the existing industrial parks are expected to remain in place following implementation of the new zoning by-law.

The proposed "Dance studio" cannot be established under either the existing "MP-2" or proposed "M1-B" districts, except via a maximum 5-year use variance. Although dance studios have established within "M1" and "M2" industrial districts—which typically have a more diverse mix of industrial and commercial uses—establishment of such a use within the Fort Garry Industrial Park ("MP-2" Industrial *Park* District) will contribute to the erosion of this prestige industrial address by introducing a personal service use more characteristic of a commercial district—such as those along Pembina Highway, Osborne Street, or Academy Road. From this perspective, Planning & Land Use Division recommends denial of the accompanying use variance portion of DAV 06-136928/D regarding establishment of a dance studio.

It should also be noted that all new buildings and exterior modifications to existing structures in "MP-2" and "M1-B" districts require design approval under
Building Design Board provisions.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposal to rezone the subject site to accommodate a non-accessory office is consistent with *Plan Winnipeg*;
- The proposed non-accessory office use complements existing employment uses in the immediate vicinity and surrounding area.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 229/06, attached hereto and dated June 27, 2006, to an "M1-B" Light Industrial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That uses be restricted to:

(a) all "MP-2" permitted and conditional uses;

(b) office.

II. 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.

III. 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.

IV. 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.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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: M. Sandhurst
PPD File # DAZ 229/06

Schedule "A"

By-Law No.

File No. **DAZ 229/06**

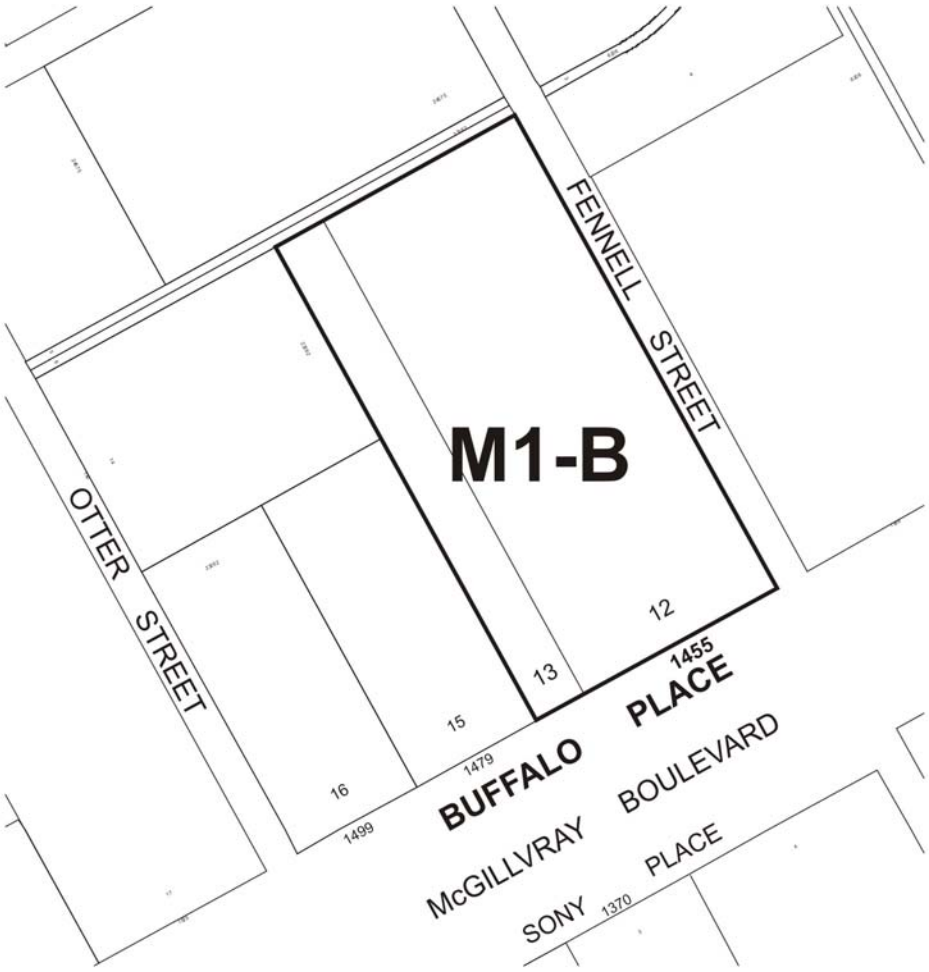
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1455 Buffalo Place from an "MP-2" INDUSTRIAL DISTRICT to an "M1-B" INDUSTRIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AG22
CITY CENTRE
COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Schedule "A" to the report to City Centre Community Committee for file # DAZ 229/06 dated June 27, 2006.

6274