Agenda – Council – September 27, 2006

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

Item No. 22 Rezoning - 1100 Fife Street
File DAZ 230/2006

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 Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 230/2006 dated June 30, 2006, to an "M2" 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 land usage be restricted as follows:
            a. The following uses shall be permitted on the land:
                1. Banquet Hall: Dance Hall
                2. Cultural Centre
                3. Arts/crafts/hobby instruction
                4. Carnival, circus, fair or similar event
                5. Office
                6. Recreational centre
                7. Restaurant
                8. Retail sales of goods (gift shop, boutique)
                9. Studio - Dance or music
                10. Trade school or business college
                11. All uses permitted or conditional in the "MP-2" Industrial District

        ii. That the development be constructed in accordance with plans identified as Sheets 1 to 2, Exhibit 6 for File DAZ 230/2006 dated June 14, 2006, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten per cent (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.

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

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.

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 2006, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1100 Fife Street**
File DAZ 230/2006 [c/r DAV 137185/2006D, DCU 137181/2006D]

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **August 9, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 2006, the Lord Selkirk-West Kildonan Community Committee did not concur 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 outlined on Schedule "A", for File DAZ 230/2006 dated June 30, 2006, to an "M2" 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 land usage be restricted as follows:

a. The following uses shall be permitted on the land:

1. Banquet Hall: Dance Hall
2. Cultural Centre
3. Arts/crafts/hobby instruction
4. Carnival, circus, fair or similar event
5. Office
6. Recreational centre
7. Restaurant
8. Retail sales of goods (gift shop, boutique)
9. Studio - Dance or music
10. Trade school or business college
11. All uses permitted or conditional in the "MP-2" Industrial District

ii. That the development be constructed in accordance with plans identified as Sheets 1 to 2, Exhibit 6 for File DAZ 230/2006 dated June 14, 2006; and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. ***That a ten per cent (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.***

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.***

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The Lord Selkirk-West Kildonan Community Committee did not agree with the administrative comments contained in the report from the Planning and Land Use Division dated June 30, 2006.

PUBLIC HEARING SUMMARY

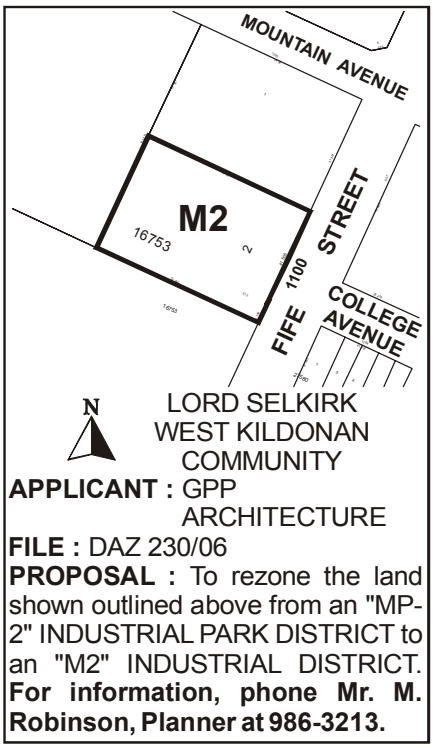
File: DAZ 230/2006 [c/r DAV 137185/2006D, DCU 137181/2006D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy
Councillor Pagtakhan

Public Hearing: July 25, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: GPP Architecture (Lindsay Forsyth)

Subject:



Premises Affected: 1100 Fife Street

Exhibits Filed:
1. Application dated June 14, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Title 2158835

4. Letter of authorization dated June 14, 2006 from Council of Caribbean Organizations of Manitoba Inc. to GPP Architecture
5. Surveyor's Building Location Certificate and sketch dated March 19, 2004
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated June 30, 2006
8. Inspection Report
9. Presentation made by John Jack, in support of the application, submitted at the public hearing
10. Presentation made by Guy Prefontaine, in support of the application, submitted at the public hearing

REPRESENTATIONS:

In Support:

Lindsay Forsyth, GPP Architecture
Guy Prefontaine, GPP Architecture
Gordon Hopkins
John Jack
Odesa Lewis-Coutain
Margaret Strachan

In Opposition:

Nil

For Information:

E. Valeria Fraser

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

John Jack, appeared in support of the application, submitted and read into the record his presentation filed as Exhibit 9. Mr. Jack urged Committee to reject the administrative recommendation and recommend approval of the rezoning to allow the Caribbean Cultural Centre to proceed and be a meeting place and a community outreach facility in the City.

Guy Prefontaine, appeared in support of the application, submitted and read into the record his presentation filed as Exhibit 10. With the aid of renderings, Mr. Prefontaine gave an overview of the proposed Canadian Caribbean Cultural Centre.

Exhibit "7" referred to in File DAZ 230/2006

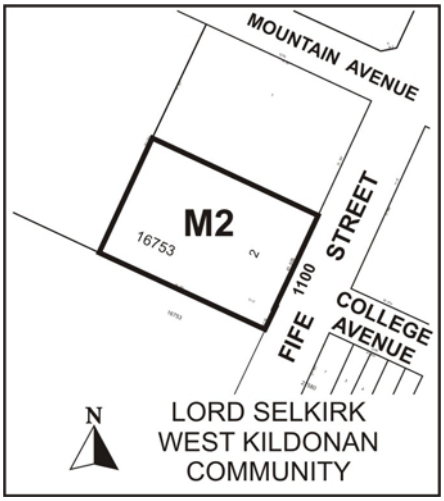
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **June 30, 2006**
File: **DAZ 230/06**
Related Files: **DAV 06-137185D, DCU 06-137181D**
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "MP-2" Industrial District to an "M2" Industrial District.

Location: **1100 Fife Street**



Applicant: **GPP Architecture (Lindsay Forsyth)**
Owner: **Council of Caribbean Organizations of Manitoba Ltd.**

Recommendation: **Denial**

Site Description

The subject property, which is zoned "MP-2" Industrial, is located on Fife Avenue, between Redwood and Mountain Avenues, within the Inkster Industrial Park.

North: Industrial uses zoned "MP-2" Industrial
South: Industrial uses zoned "MP-2" Industrial
East: Industrial uses zoned "MP-2" Industrial
West: Industrial uses zoned "MP-2" Industrial

Description of the Proposed Development
The applicant is requesting permission to rezone the subject lands from "MP-2" Industrial to "M2" industrial for the purpose of establishing a cultural center, banquet hall, and restaurant use.

Analysis

Plan Winnipeg Compliance
Plan Winnipeg offers the following guidance with regards to commercial uses in industrial areas:

Policy 3B-06
iii) restricting land uses in industrial areas, where warranted, to industrial land uses only, in order to provide stability and predictability

iv) allowing the possible introduction of commercial uses into industrial areas to act as a buffer between the industrial uses and adjacent uses or to service the needs of the local industrial population

Other Policies, Plans, and Document
Inkster Industrial Park is a carefully planned area characterized by a high standard of strictly controlled industrial uses. The park was established by the City of Winnipeg with the objective of stimulating industrial development, which was reflected in the initial selling price of the industrial park lands. There have been ongoing attempts to maintain the high level of development in the park

All land in the area is zoned "MP-2" Industrial. This zoning accommodates a wide variety of industrial uses which are controlled by performance standards governing noise, vibration, smoke, toxic matter, etc. Minor pressure does exist within the industrial park for the establishment of retail and other commercial uses. However, with very few exceptions, the City has recommended that applications for commercial uses be denied, except for those that are minor in nature and accessory to an existing industrial use or those that are located directly along Inkster Boulevard and "cater to the surrounding business community and to through-traffic, but would not, in fact, draw people to the above-noted services from well beyond the neighbouring area." (Inkster Industrial Park Review of Existing Policies, March 1992)

With that said, this rezoning would be precedent setting in that it would be contrary to Plan Winnipeg and established policy guarding land use in the Inkster Industrial Park.

City of Winnipeg Industrial Inventory and Industrial Market Review
Further to that, the City of Winnipeg Industrial Inventory and Industrial Market Review (2002) indicated that the Inkster Industrial Park, which is 597.3 acres, was 5.4% vacant - the lowest vacancy rate of any industrial park in the City.

This study concluded that the Northwest sector, which would include the Inkster Industrial Park, has a critical mass of manufacturing and warehousing facilities, which attracts additional industrial growth, and that efforts should be made to protect specific areas of vacant industrial land in the Northwest sector from significant erosion by other types of development, including commercial development. [1]

Importance of Industrial Lands
To that point, it is recognized that an adequate supply of industrial lands in appropriate locations is essential to promote industrial growth. As indicated in the study, commercial encroachment into industrial areas can cause the following problems:

- Compatibility issues
- Depletion of land available for industrial use
- Inappropriate service infrastructure for non-industrial users

Each of the above should be examined in more detail:

Compatibility
Many of the uses that locate in an industrial park do so because of the existence of other industrial uses that provide mutual support clusters. Thus, a business park which contains unrelated retail and commercial uses can become unattractive to prospective industrial users, which may preclude future industrial uses from locating there.

Depletion of land
There are fewer locations that are suitable and appropriate for industrial uses that retail uses. Whereas most commercial uses can locate within our Neighbourhood Policy Areas, which make up the majority of land use in the City, industrial uses are concentrated in Industrial Policy Areas, which are strategically located to make the best use of existing transportation infrastructure.

Traffic and pedestrian conflicts
Road systems planned for industrial business parks are designed with a certain intended traffic in mind and a commercially dominant area generates traffic volumes far in excess of what is predicted for an area planned for industrial uses. With that said, a proliferation of commercial uses in an industrial area can cause level of service to be maintained only with significant cost implications.

In light of the above, it is recommended that this application be denied.

[1] UMA Engineering, Winnipeg Industrial Inventory and Industrial Market Review (April 2002). Pg 154.

Recommendation

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

- It is contrary to Plan Winnipeg (Policy 3B-06)
- It is contrary to existing land use policy in the Inkster Industrial Park
- The City of Winnipeg Industrial Inventory and Industrial Market Review concluded that efforts should be taken to protect industrial land in the Northwest sector from erosion by non-industrial development
- It is not compatible with surrounding land uses

However, should the Community Committee wish to approve the application, the following conditions should be considered:

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 230/06, attached hereto and dated June 30, 2006, to an "M2" 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 land usage be restricted as follows:
   i. The following uses shall be permitted on the land:
      a. Banquet Hall: Dance Hall
      b. Cultural Centre
      c. All uses permitted or conditional in the "MP-2" Industrial District

2. That the development be constructed in accordance with the plans submitted attached hereto and identified as Sheet No. 1-2 for File No. DAZ 230/06 dated June 14, 2006; and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development

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: Michael Robinson, AICP
PPD File # DAZ 230/06

Schedule "A"

Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for File No. DAZ 230/2006 dated June 30, 2006.

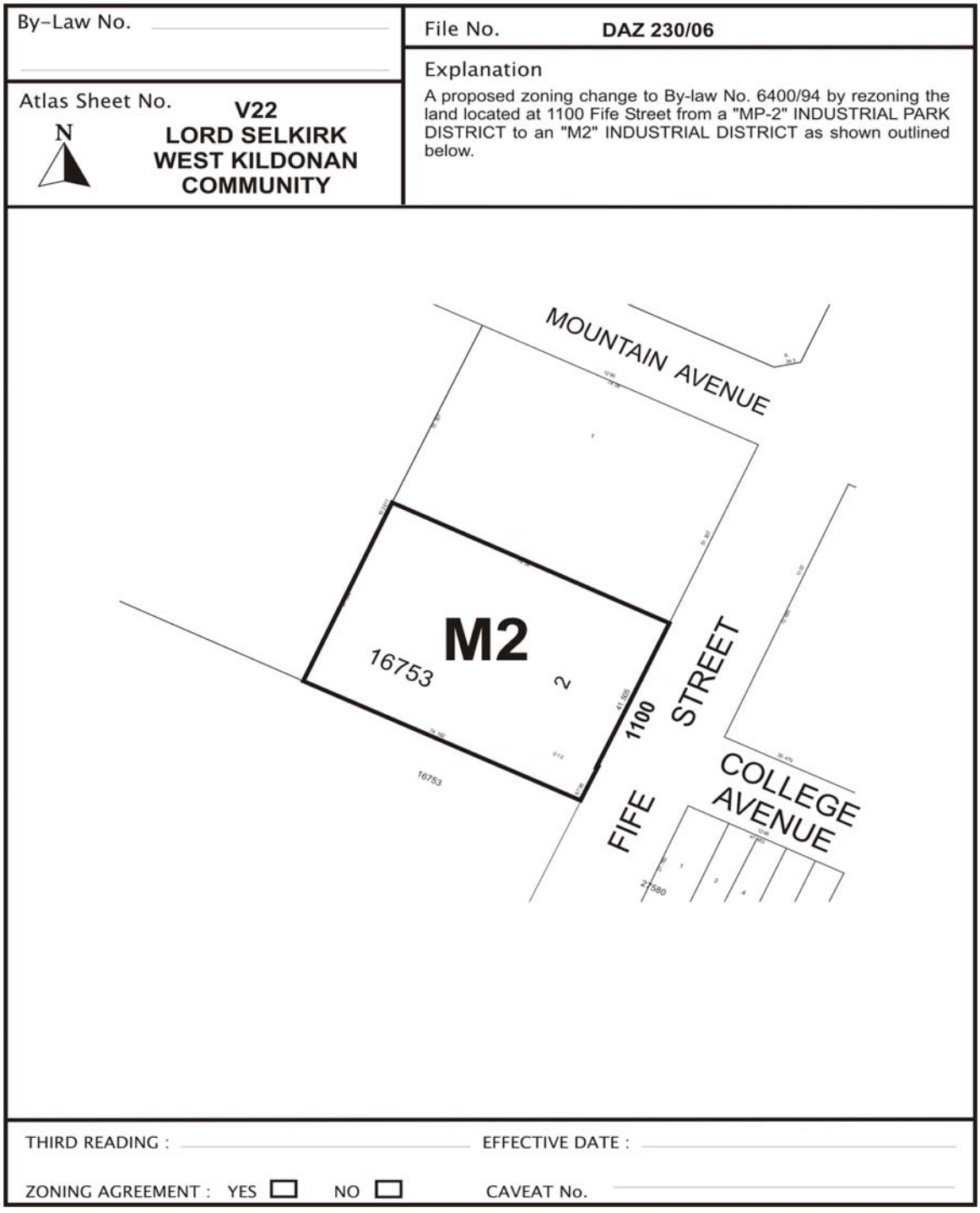




Figure 1: Aerial Photo (Flown in 2005)