Minute No. 163
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 18 Rezoning - 1455 Mountain Avenue (northeast corner of Mountain Avenue and Sheppard Street)
File DAZ 241/2006

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

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 241/2006 dated October 30, 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" 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.

Report - Standing Policy Committee on Property and Development - January 9, 2007

COUNCIL DECISION (continued)

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 - January 9, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, 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 November 21, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1455 Mountain Avenue**
File DAZ 241/2006 [c/r DAV 157292/2006D]

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

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

Report date: **November 28, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 21, 2006, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A", for File DAZ 241/2006 dated October 30, 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" 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.

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.1.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated October 30, 2006.

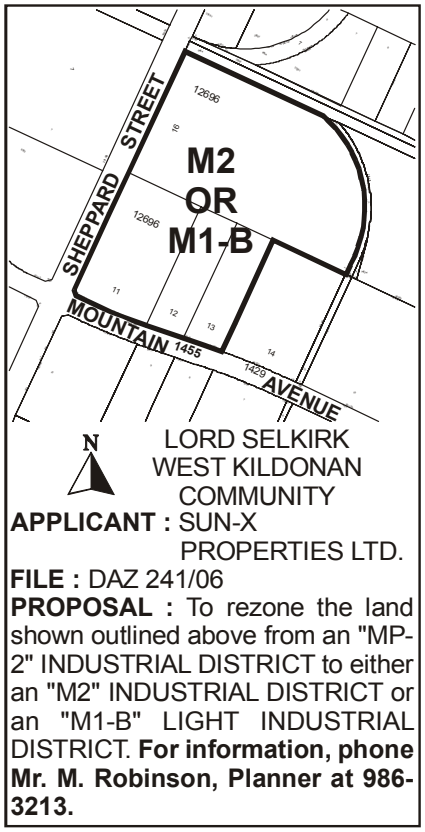
PUBLIC HEARING SUMMARY

File: DAZ 241/2006 [c/r DAV 157292/2006D]

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

Public Hearing: November 21, 2006
West Committee Room
Council Building, 510 Main Street

Subject:



Premises Affected: 1455 Mountain Avenue (northeast corner of Mountain Avenue and Sheppard Street)

Exhibits Filed:
1. Application dated October 16, 2006
2. Notification of Public Hearing dated October 19, 2006
3. Manitoba Status of Title 2177570

4. Surveyor's Building Location Certificate and sketch dated December 9, 1994
5 Subdivision and Easement Agreement Caveat Nos. 238168 and 82-11158
6. Report from the Planning and Land Use Division dated October 30, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Sherri Andjelic, Sun-X Properties Ltd.
Patrick Hamilton, on behalf of Sun-X Properties Ltd.

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Patrick Hamilton, appeared in support of the application on behalf of Sun-X Properties Ltd., and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated October 30, 2006.

Exhibit "7" referred to in File DAZ 241/2006

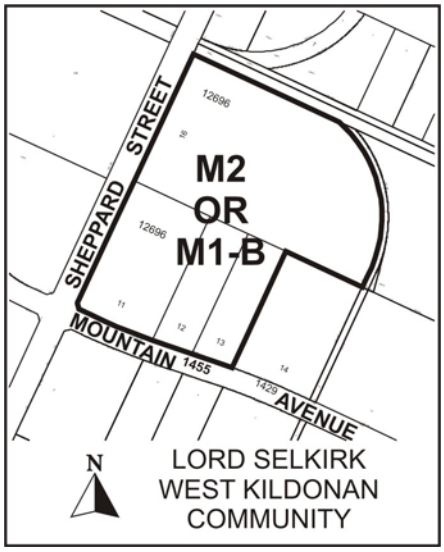
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: October 30, 2006
File: DAZ 241/06
Related Files: DAV
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "MP-2" Industrial District to an "M1-B" or an "M2" Industrial District.

Location: Northeast corner of Mountain Avenue and Sheppard Street



Applicant: Sun-X Properties Ltd. (Sherri Andjelic)
Owner: Same

Recommendation: Approval

Site Description
The subject property, which is currently zoned "MP-2" Industrial, is located at the northeast corner of Mountain Avenue and Sheppard Street, in the Inskter Industrial Park neighbourhood of the Point Douglas ward.

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 a rezoning of the subject property in order to accommodate a call centre operation.

A call centre is defined as an office use, which is not permitted in the "MP-2" Industrial District. In light of this, a rezoning is required.

Analysis
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

With that said, recent professional office proposals have been supported in industrial parks—subject to rezoning from "MP-2" to "M1-B"—due to the operational compatibility of office and industrial uses as part of employment centres.

Zoning District
In light of the fact that 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, the "M1-B" District, rather than the "M2" District, is recommended.

"M1-B" provides similar design standards to the current MP-2 zoning, while allowing for an office use. For that reason, "M1-B" will meet the operational needs of the applicant while best protecting the interests of adjacent property owners and preserving the intent of the industrial park district.

Recommendation

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

- Professional offices in industrial parks have been supported in other parts of the City
- There is an operational compatibility between of office and industrial uses as part of employment centers
- The proposed use is compatible with the area
- The proposed use will not have an adverse impact on adjacent properties
- "M1-B" zoning will protect the higher design standard that exists in the industrial park
- A zoning agreement will restrict incompatible uses

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 241/06, attached hereto and dated October 30, 2006, to an "M1-B" 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: Michael Robinson, AICP
PPD File # DAZ 241/06

Schedule "A"

Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 241/2006 dated October 30, 2006.

By-Law No. _____

File No. **DAZ 241/06**

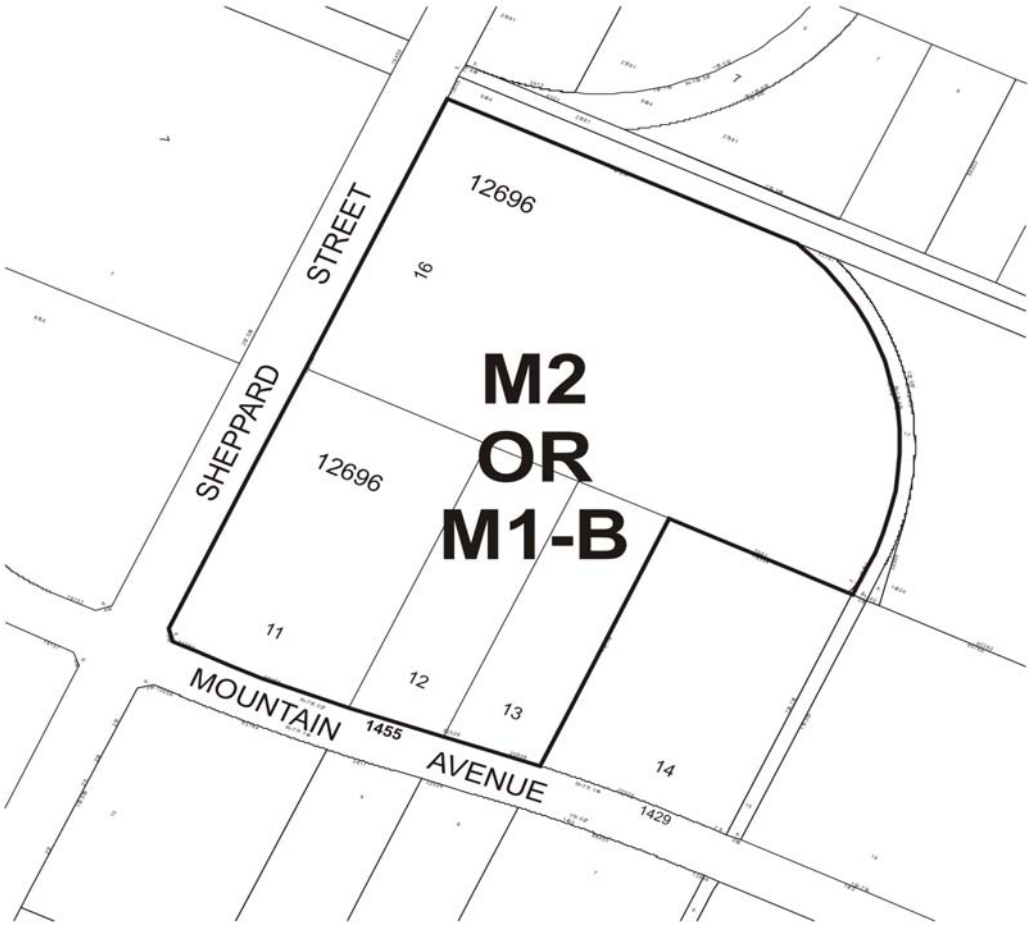
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1455 Mountain Avenue from an "MP2" INDUSTRIAL DISTRICT to either an "M2" INDUSTRIAL DISTRICT or an "M1-B" LIGHT INDUSTRIAL DISTRICT as shown outlined below.

Atlas Sheet No. **U22**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown on 2005)