Agenda - Council - October 24, 2007

Report - Standing Policy Committee on Property and Development - October 2, 2007

Item No. 7 Subdivision and Rezoning - 245 McPhillips Street (Point Douglas Ward) File DASZ 31/2007 [c/r DAV 146541/2007D]

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 31/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2007 dated September 11, 2007, for registration in the Winnipeg Land Titles Office

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 DASZ 31/2007 dated September 11, 2007, to an "M2" Industrial District.

4. 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.

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision 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.

8. 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.

Report - Standing Policy Committee on Property and Development - October 2, 2007

9. 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.

10. 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 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.

11. 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 - October 2, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the following new recommendations be added as recommendations numbered 2, 5, 6 and 7, namely:

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

    5. 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.

    6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

    7. That the subdivision 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.

Report - Standing Policy Committee on Property and Development - October 2, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- That recommendation 1 be renumbered as recommendation 3
- That recommendation 2 be renumbered as recommendation 1
- That recommendation 3 be renumbered as recommendation 4
- That recommendation 4 be renumbered as recommendation 8
- That recommendation 5 be renumbered as recommendation 9
- That recommendation 6 be renumbered as recommendation 10
- That recommendation 7 be renumbered as recommendation 11

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 245 McPhillips Street**
(Point Douglas Ward)
File DASZ 31/2007 [c/r DAV 146541/2007D]

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

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

Report date: **September 26, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, 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 plan of subdivision proposed under File DASZ 31/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2007 dated September 11, 2007, for registration in the Winnipeg Land Titles Office

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 DASZ 31/2007 dated September 11, 2007, to an "M2" Industrial District.

4. 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.

5. ***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.***

6. ***That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.***

7. ***That the subdivision 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****.*

8. 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.

9. 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.

10. 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 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.

11. 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 agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 11, 2007

PUBLIC HEARING SUMMARY

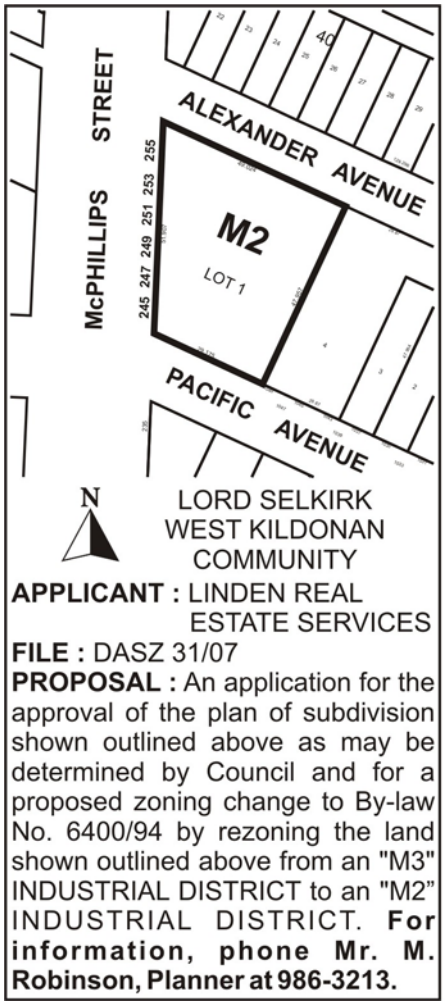
File: DASZ 31/2007 [c/r DAV 146541/2007D]

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

Public Hearing: September 18, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Shaughna Trager Artistic Ceramic Studio

Subject:



Premises Affected: 245 McPhillips Street

Exhibits Filed:

1. Application dated August 31, 2007
2. Notification of Public Hearing dated August 31, 2007
3. Manitoba Status of Title 1145388
4. Letter of authorization dated August 10, 2007 from Dr. J.A. Joshi, on behalf of J & M Investments to Shaughna Trager, o/a Artistic Ceramic Studio
5. Surveyor's Building Location Certificate and sketch dated April 30, 1987
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated September 11, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Nil

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

There were no representations made at the public hearing.

Exhibit "7" referred to in File DASZ 31/2007 [c/r DAV146541/2007D]

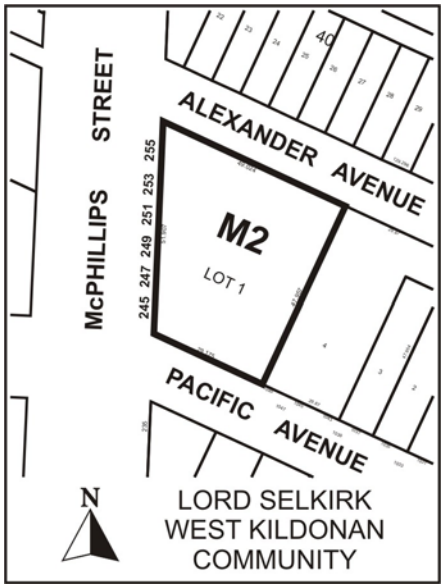
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **September 11, 2007**
File: **DASZ 31/07**
Related Files:
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "M3" Industrial District to a "M2" Industrial District.

Location: **245-255 McPhillips Street**



Applicant: **Linden Real Estate Services**

Owner: **Jagon Nath Joshi**

Recommendation: **Approval**

Report Summary:

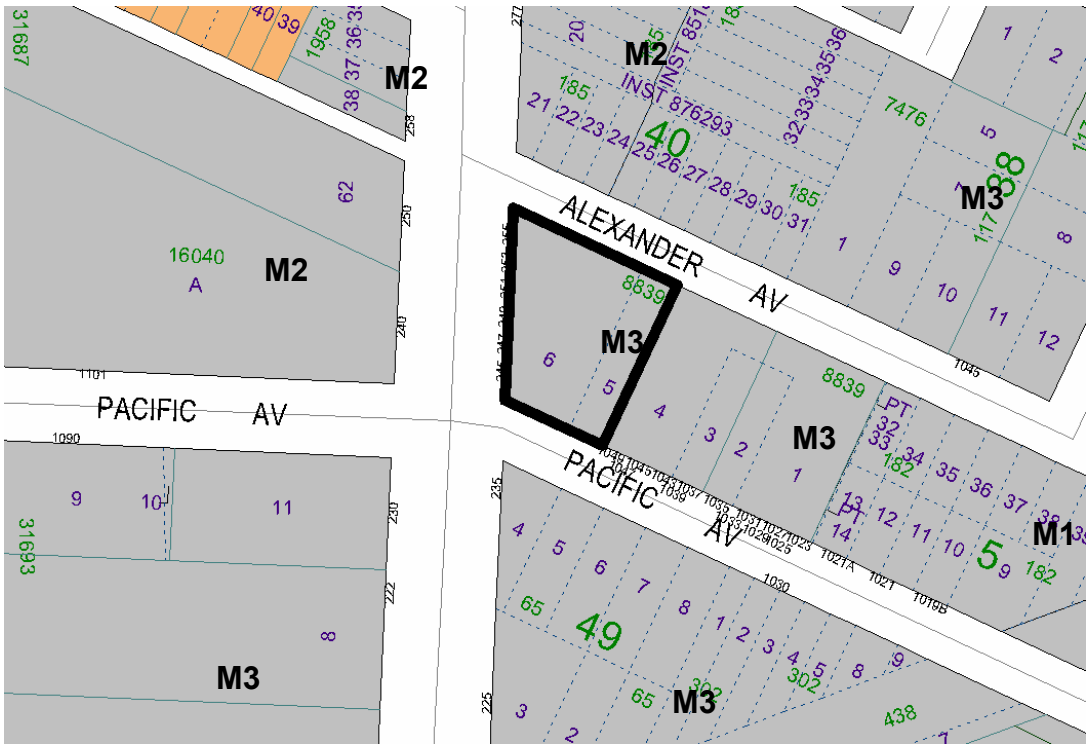
- **Proposal meets Plan Winnipeg policies for infill development and compatible land use**
- **The proposed development is compatible with the area**

- **The proposed development will not have an adverse impact on adjoining properties**
- **The Planning and Land Use Division recommends that the application be approved with conditions**

Site Description

The subject property is located at the corner of Pacific Avenue, McPhillips Street and Alexander Avenue. The property has an existing building on it which is divided into 6 tenancies used for the following businesses.

- 245 McPhillips – Shawna Trager Artistic Ceramics – Ceramics Studio offering classes and firing of ceramics
- 247 McPhillips – Vacant
- 249 McPhillips – Westcan Hydraulics – Hydraulic hose and fittings distributor
- 251 McPhillips – Westcan Hydraulics - Hydraulic hose and fittings distributor
- 253 McPhillips – D&M Enterprises – Silk screen printer for team shirts and sweaters
- 255 McPhillips – RJNS Auto & Detail – Auto detailing, undercoating and window tinting (no auto painting)



North: Businesses zoned "M3" and "M2" Industrial District
South: Businesses zoned "M3" Industrial District
East: Businesses zoned "M3" and "M1" Industrial District
West: Businesses zoned "M2" Industrial District

Further to the North West of the site are residential (R2A district) and commercial (C1 and C2 districts) developments.

Description of the Proposed Development

The applicant is proposing to lease a tenancy of the existing building onsite for a Ceramic Studio or arts, crafts and hobby use, which is not a permitted use in the M3 District. As such, it is necessary to rezone the property to a M2 District to allow that use. As part of the application, the applicant is proposing to amalgamate the 2 existing lots into 1.

A use variance is to be applied for in conjunction with this rezoning application to establish the arts, craft and hobby use ASAP.

Analysis

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within an Industrial Policy Area. Industrial Policy Areas are intended to include an area of concentrated industrial uses and supportive infrastructure with the possible inclusion of compatible commercial uses.

As such, the proposed new zoning and uses are found to comply with Plan Winnipeg.

M2 Industrial District

The applicant is proposing "M2" Industrial zoning for the subject lots. This zoning is more appropriate than M3 for the light industrial/commercial uses proposed for the existing building.

The Division believes that the proposed development is an appropriate land use at the subject location because the area is generally a mixed use of M1, M2 and M3 Industrial zoned areas and even C2 and C1 areas across McPhillips Street to the north of the subject site.

Changing the site to M2 does not have a detrimental impact on surrounding industrial operations. It is not introducing any incompatible uses.

Site Plan

It is not proposed to change the building plans existing layout and design. More detail will be provided in respect to the site layout as part of an associated Use Variance application.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- Proposal meets Plan Winnipeg policies for industrial development and compatible land use
- The proposed "M2" zoning is consistent with existing surrounding development and zoning in the area.
- The proposed uses are appropriate in this location given the mix of industrial and commercial development in the vicinity.
- The proposed development will not have an adverse impact on adjoining properties

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2007, to a "M2" Industrial District.

2, That the plan of subdivision proposed under File No. DASZ 31/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 31/07, attached hereto and dated September 11, 2007, for registration in the Winnipeg Land Titles Office

3. That a ten (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.

4. 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.

5. 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.

6. 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.

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.

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

Report Prepared by: Leah Sorohan, MPIA
PPD File # DASZ 31/07

6088

Schedule "A"

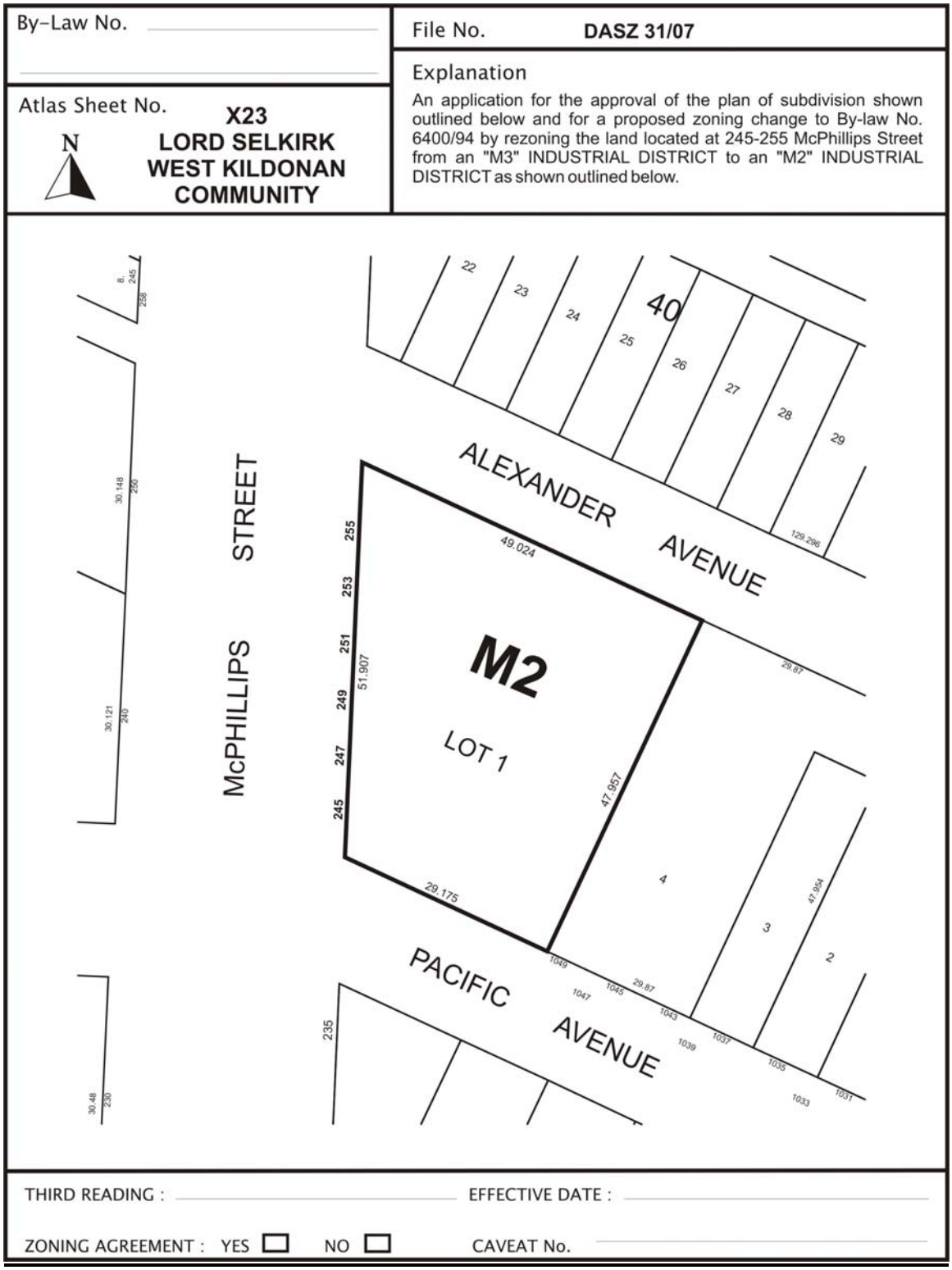


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 31/2007, dated September 11, 2007.