Minute No. 48
Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 8 **Rezoning - 258 Burnell Street**
(Daniel McIntyre Ward)
File DAZ 225/2007

COUNCIL DECISION:

Council concurred in the recommendation 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 shown on Schedule "A" for File DAZ 225/2007 dated September 20, 2007, 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:

      i. That the following uses shall not be permitted on the land:

         a. animal pound, animal training; kennel
         b. automobile, including motorcycle: cleaning
         c. automobile, including motorcycle: customizing
         d. automobile, including motorcycle: repair; service; installation of supplies/parts
         e. bakery, over 1000 sq. ft. of production area
         f. beverages: manufacturing; bottling
         g. brewery; distilling
         h. brewery or winery
         i. fish packing: processing
         j. food products: processing
         k. laboratory: research, experimental or testing
         l. manufacturing: all types
         m. parking area, non-accessory
         n. poultry hatchery
         o. printing; publishing
         p. public utility or service
         q. recycling: materials sorting, baling or storage
         r. welding or soldering shop

Report - Standing Policy Committee on Property and Development – October 30, 2007

COUNCIL DECISION (continued):

ii. That mobile and temporary signs shall not be permitted;

iii. That no illuminated signage be erected on the west side of the building;

iv. That vehicular access to and egress from the property be prohibited from the public lane paralleling Burnell Street;

v. That all operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building.

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.

Report - Standing Policy Committee on Property and Development – October 30, 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 November 14, 2007, 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 October 30, 2007, 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 October 2, 2007, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 258 Burnell Street**
File DAZ 225/2007 [c/r DAV 145322/2007D]

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

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

Report date: **October 5, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 2, 2007, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service 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 225/2007 dated September 20, 2007, 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:

        i. That the following uses shall not be permitted on the land:
            a. animal pound, animal training; kennel
            b. automobile, including motorcycle: cleaning
            c. automobile, including motorcycle: customizing
            d. automobile, including motorcycle: repair; service; installation of supplies/parts
            e. bakery, over 1000 sq. ft. of production area
            f. beverages: manufacturing; bottling
            g. brewery; distilling
            h. brewery or winery
            i. fish packing: processing
            j. food products: processing
            k. laboratory: research, experimental or testing
            l. manufacturing: all types
            m. parking area, non-accessory
            n. poultry hatchery
            o. printing; publishing
            p. public utility or service

q. recycling: materials sorting, baling or storage
r. welding or soldering shop

ii. That mobile and temporary signs shall not be permitted;
iii. That no illuminated signage be erected on the west side of the building;
iv. That vehicular access to and egress from the property be prohibited from the public lane paralleling Burnell Street;
v. That all operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building.

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.

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

1. The proposal is an appropriate use of the site.

PUBLIC HEARING SUMMARY

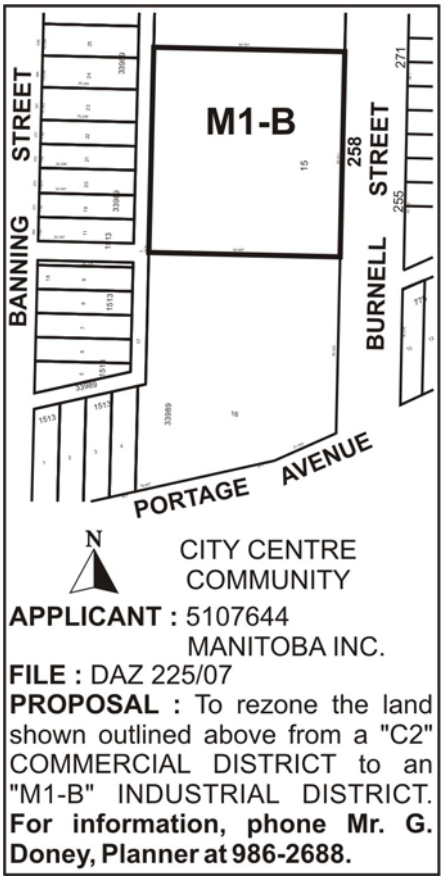
File: DAZ 225/2007 [c/r DAV 145322/2007D]

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

Public Hearing: October 2, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: 5107644 Manitoba Inc.
(John Stroich)

Subject:



Premises Affected: 258 Burnell Street

Exhibits Filed:

1. Application dated August 9, 2007
2. Notification of Public Hearing dated August 17, 2007
3. Manitoba Status of Title 2091776
4. Surveyor's Building Location Certificate and sketch dated June 5, 2007
5. Plans (5 pages)
6. Report from the Planning and Land Use Division dated September 20, 2007
7. Inspection Report

REPRESENTATIONS:

In Support:
John Stroich, 5107644 Manitoba Inc.

In Opposition
Nil

For Information:
Virgilio C. Ramos

For the City:
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant John Stroich, 5107644 Manitoba Ltd, appeared in support of the application and gave a brief overview on the proposal.

Exhibit "6" referred to in File DAZ 225/2007 [c/r DAV 145322/2007D]

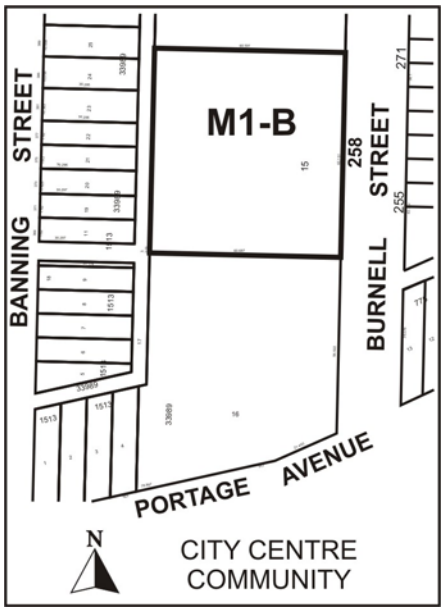
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: September 20, 2007
File: **DAZ 225/07**
Related Files: DAV 07-145322/D
Subject: To rezone the land shown outlined below from a "C2" Commercial District to an "M-1B" Light Industrial District.

Location: 258 Burnell Street
Legal Description: Lot 15 Plan 33989 WLTO in RL 63 and 64 Parish of St. James

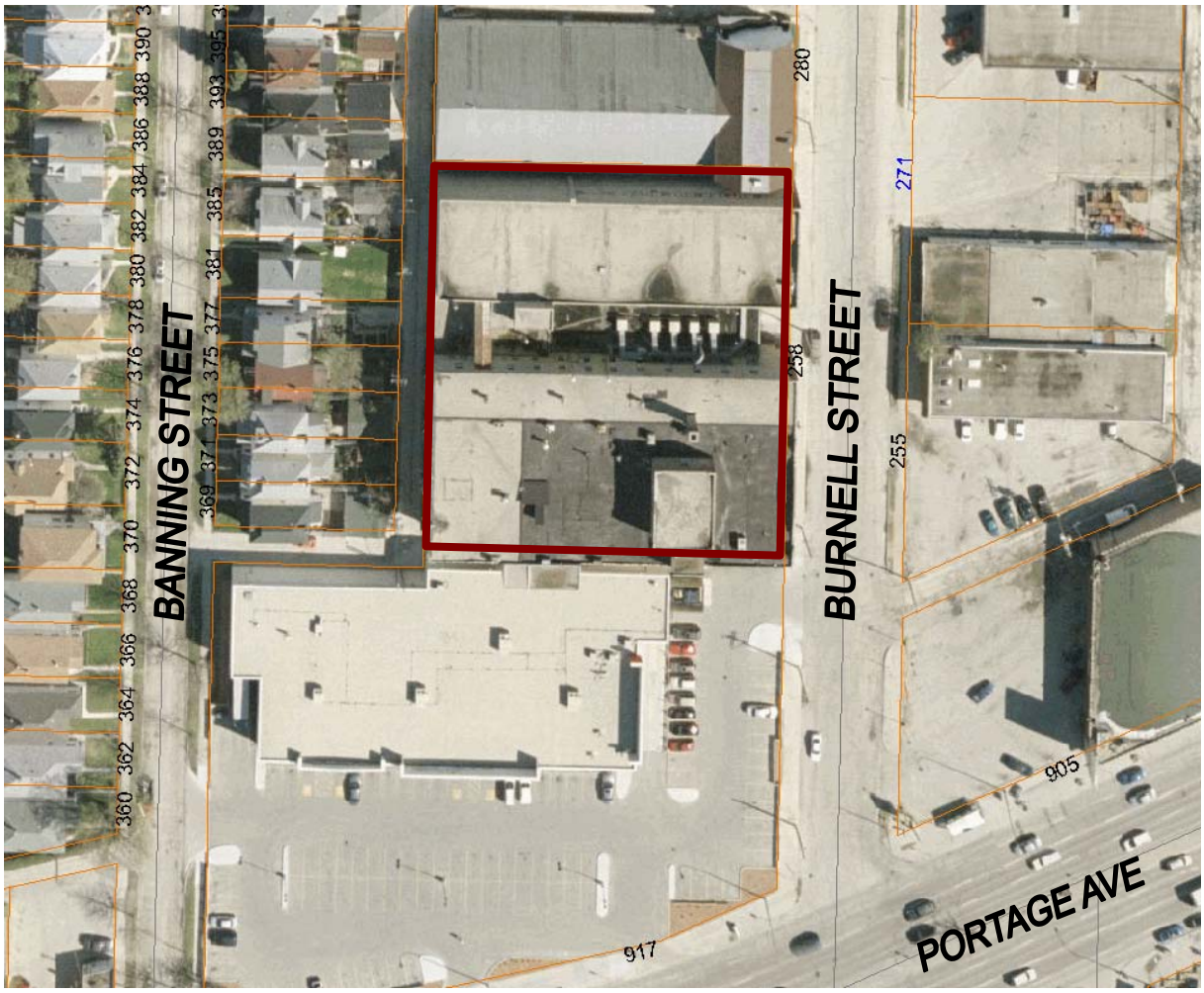


Applicant: John Stroich 5107644 Manitoba Inc.
Owner: 5107644 Manitoba Inc.

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the west side of Burnell Street, north of Portage Avenue and is in the St. Matthews Neighbourhood of the Daniel McIntyre Ward. The site is zoned "C2" Commercial District. The existing commercial/industrial building on the subject property has been vacant for at least five years. This block of Burnell Street is characterized by similar industrial buildings, many of which are vacant. Abutting the subject property to the north is a curling club. Across the street on the east side of Burnell are "C2" zoned lands. To the south, along Portage Avenue, are recently developed commercial buildings zoned "C2". Across the back lane to the west are single-family dwellings and duplexes zoned "R2" Two-Family District.



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to rezone the subject site in order to establish a mini storage rental warehouse within the existing building. "Rental Storage Units", under Zoning By-Law No. 6400/94, are not a permitted or conditional use in the "C2" Commercial District.

Although the site provides no accessory parking, plans indicate internal loading areas via four large overhead doors accessed via Burnell Street.

Due to the zoning change, variances are necessary (the subject of DAV 07-145322/D), for floor area ratio, parking and setback requirements.

Analysis

St. Matthews is designated "Neighbourhood" policy area under *Plan Winnipeg*. This designation is intended to include "a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other." (Policy 3A-01) Although the establishment of new industrial zoning in a mature neighbourhood area is uncommon, it is not inconsistent with Plan Winnipeg. The subject property, in this instance, like many of the nearby properties on Burnell, has had a history of light industrial use. 258 Burnell Street was formerly a wholesale producer and distributor of baked goods.

The existing "C2" Commercial District, which is intended for intensive commercial sites that do not have a local or neighbourhood orientation, although appropriate for the adjacent Portage Avenue properties, is not typically assigned to narrower mixed-use streets like Burnell Street. Burnell Street is not typical of other streets in this neighbourhood in many respects. Although it is not a regional street, between Portage and Ellice Avenues, Burnell has a very high proportion of commercial, industrial, and higher-density multiple-family uses.

As an "M1-B" Industrial District use, the proposed indoor storage is probably the least intrusive of industrial uses. However, this use is *only* permitted in Industrial Districts. Its industrial nature is limited to its loading and unloading activities and its large floor area in proportion to the number of staff and customers attending the site. The proposed use will not generate noise or odour or increases in traffic. All its activities will be internal within the existing building. Its visual impact on the neighbourhood will not change or may improve modestly as the building is renovated.

Given the opportunity for adaptive reuse of this boarded up property and the absence of other prospects for its redevelopment in the foreseeable future, the Planning and Land Use Division recommends rezoning to M1-B along with a Zoning Agreement to ensure that future uses of this site are restricted to those with the least impact on the adjacent residential neighbourhood.

Recommendation

Planning and Land Use Division recommends the subject site be rezoned to "M1-B" Light Industrial District for the following reasons:

- The proposal is consistent with *Plan Winnipeg*;
- The proposal will not create any nuisance for the neighbourhood.
- The redevelopment of the vacant building will add vitality to the neighbourhood.

Conditions of approval are recommended in order to ensure compatibility with adjacent properties and the surrounding area.

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 No. DAZ 225/07, attached hereto and dated September 20, 2007, 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:

        (i) that the following uses shall not be permitted on the land:
            a animal pound, animal training; kennel
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            f beverages: manufacting; bottling
            g brewery; distilling
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            i fish packing: processing
            j food products: processing
            k laboratory: research, experimental or testing
            l manufacturing: all types
            m parking area, non-accessory
            n poultry hatchery
            o printing; publishing
            p public utility or service
            q recycling: materials sorting, baling or storage
            r welding or soldering shop
        (ii) That mobile and temporary signs shall not be permitted;
        (iii) That no illuminated signage be erected on the west side of the building;

(iv) That vehicular access to and egress from the property be prohibited from the public lane paralleling Burnell Street;

(v) That all operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building.

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.

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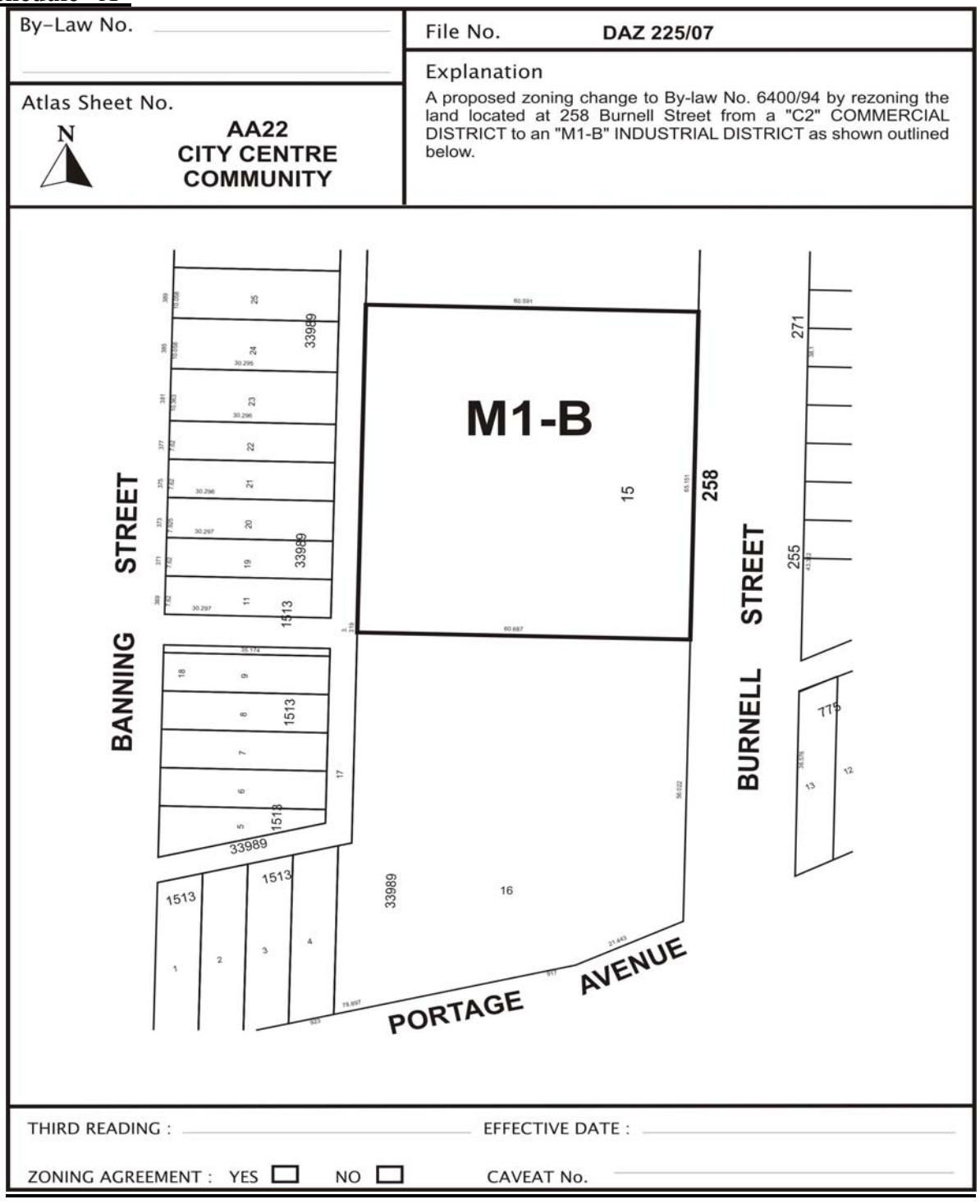
6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

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

Report Prepared by: Glen Doney
PPD File # DAZ 225/07

Schedule "A"



Schedule "A" to the report to City Centre Community Committee for file # DAZ 225/07 dated September 20, 2007.