Minute No. 50
Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 10 **Rezoning - East of Fife Street between Church and Machray Avenues (Point Douglas Ward)**
File DAZ 230/2007 [c/r DAV 151486/2007D]

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 230/2007 dated October 9, 2007, to a "M1" 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 on the land be restricted to:
            a. park/plaza/square/playground
            b. parking, surface
            c. utility facility, minor
            d. utility facility, major

        ii. That all signage be restricted to monument signage with a maximum height of six (6) feet, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        iii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

COUNCIL DECISION (continued):

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 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 twelve (12) 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 twelve (12) 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 twelve (12) 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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 16, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - East of Fife Street between Church and Machray Avenues (Point Douglas Ward)**
File DAZ 230/2007 [c/r DAV 151486/2007D]

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

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

Report date: **October 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 16, 2007, the Lord Selkirk-West Kildonan 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 230/2007 dated October 9, 2007, to a "M1" 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 on the land be restricted to:
            a. park/plaza/square/playground
            b. parking, surface
            c. utility facility, minor
            d. utility facility, major

        ii. That all signage be restricted to monument signage with a maximum height of six (6) feet, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        iii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development prior to the issuance of any building or development permit, and thereafter all to be

maintained to the satisfaction of the Director of Planning, Property and Development.

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 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 twelve (12) 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 twelve (12) 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 twelve (12) 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 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 comments of the Winnipeg Public Service contained in the report from the Planning and Land Use Division dated October 9, 2007.

PUBLIC HEARING SUMMARY

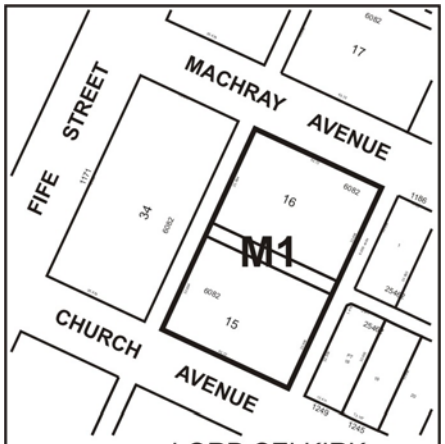
File: DAZ 230/2007 [c/r DAV 151486/2007D]

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

Public Hearing: October 16, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Boyle Schaeffer

Subject:



Premises Affected: lands located east of Fife Street between Church and Machray Avenues

Exhibits Filed:

1. Application dated September 28, 2007
2. Notification of Public Hearing dated September 20, 2007
3. Manitoba Certificate of Title 822147
4a. Letter of intent dated August 27, 2007 from Manitoba Hydro to Knysh Funeral Chapel
4b. Letter of authorization dated July 25, 2007 from Mike Knysh, on behalf of 4456794 Manitoba Ltd., to Boyle Schaeffer
5. Report from the Planning and Land Use Division dated October 9, 2007
6. Inspection Report

REPRESENTATIONS:

In Support:
Boyle Schaeffer
Ralph Caldwell
Mike Knysh

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

The applicant, Boyle Schaeffer, appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Planning and Land Use Division dated October 9, 2007.

Exhibit "5" referred to in File DAZ 230/2007 [c/r DAV 151486/2007D]

Winnipeg

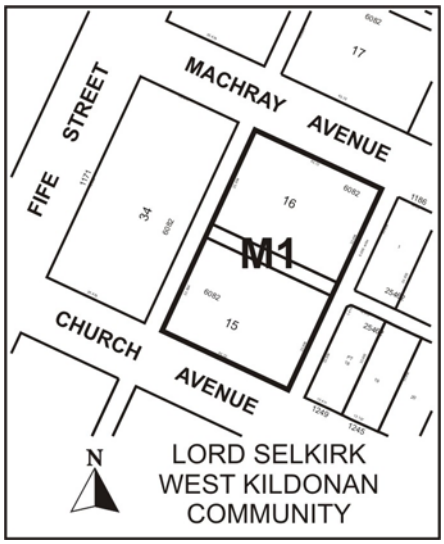
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **October 9, 2007**
File: **DAZ 230/2007**
Related Files: **DAV 07-151486D**

Subject: **Application to amend By-Law 6400/94 by rezoning the subject land from a "MP-2" Industrial District and "R1-4" Residential District to a "M1" Industrial District in order to establish a non-accessory parking lot use.**

Location: **East of Fife St between Church Avenue and Machray Avenue**
Legal Description: **Block 15/16, Plan 6082**



Applicant: Boyle Schaeffer
365 HARGRAVE ST UNIT 404
WINNIPEG MB R3B 2K3

Owner: MANITOBA HYDRO ELECTRIC BOARD
C/O PROPERTY MANAGER PO BOX 815 STN MAIN N

Recommendation: *Approval*

Site Description

Existing Land Use and Zoning

The existing site is located at the edge of the Inkster Industrial Park neighbourhood and the Mynarski neighbourhood in the Point Douglas Ward. The site is designated Industrial Policy Area and Neighbourhood Policy Area in Plan Winnipeg. The site is part of a Manitoba Hydro transmission line corridor and is currently zoned "MP-2" Industrial District and "R1-4" Residential District.

Neighbourhood Context

To the east of the site are a public lane and the residential neighbourhood of Mynarski. Some of the industrial uses along Fife Street have been using the edge of this hydro corridor for parking. In a few cases, at the south end of Fife Street, where there is no public lane running parallel to Fife Street, large parts of the hydro corridor are being used by businesses on Fife Street for outdoor storage and auto compounds.

Surrounding Land Use and Zoning

North: Machray Avenue then hydro corridor zoned "MP-2" Industrial District and "R1-4" Residential District.
South: Church Ave then hydro corridor zoned "MP-2" Industrial District and "R1-4" Residential District.
East: Public lane then single family dwellings zoned "R1-4" Residential District.
West: Public lane then vacant industrial land zoned "M1-B" Light Industrial District.

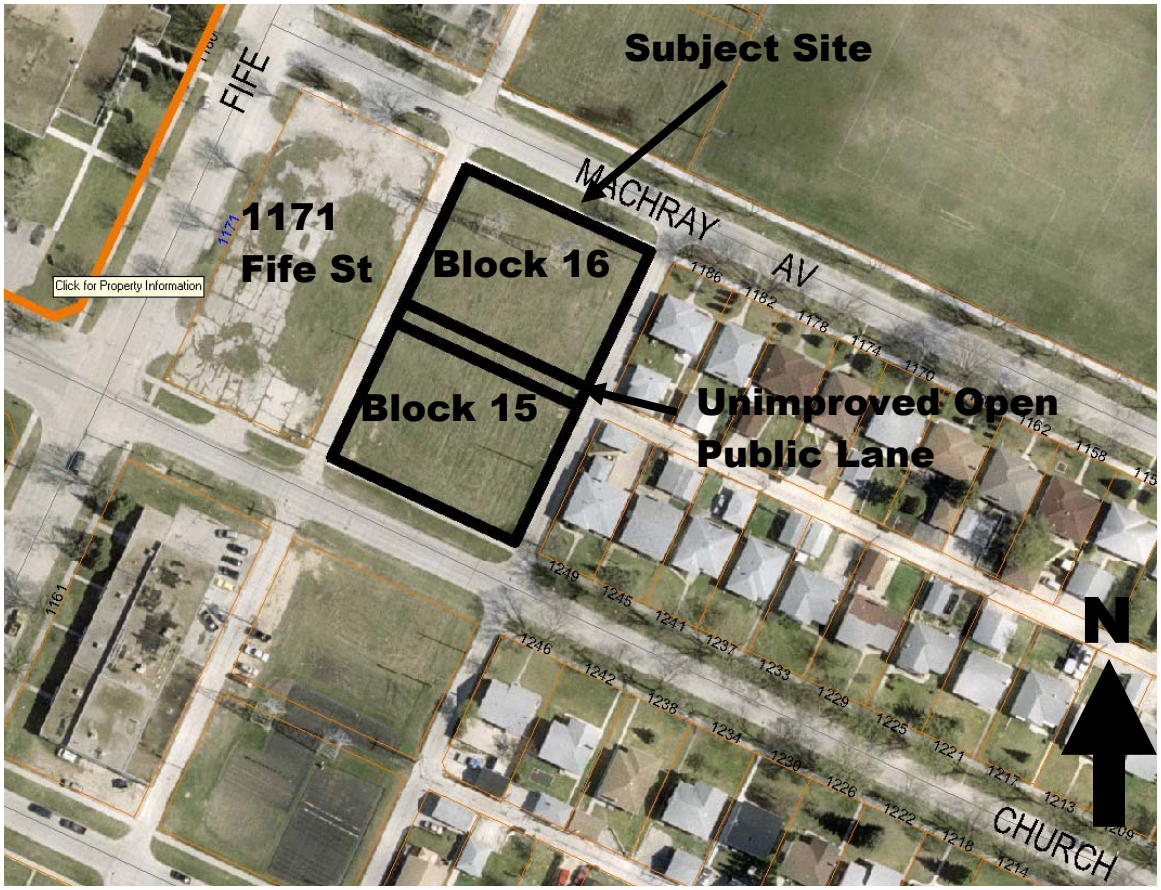


Figure 1: Aerial Photo (Flown in 2005)

Background

The applicant received zoning approval to build a funeral chapel on the vacant industrial land immediately west of the subject site site (1171 Fife Street). However, Variance Order DAV 131086/2007C on 1171 Fife Street includes a condition that a shared parking agreement be submitted by the applicant that secures at least 65 parking stalls off-site to the satisfaction of the Director of Planning Property and Development prior to the issuance of a building permit. The applicant has received approval from Manitoba Hydro to lease the existing hydro corridor in order to provide the required supplementary off street parking.

The applicant is also applying for a use variance to establish a non-accessory parking area and several front, side, and read yard variances on the site (DAV 07-151486D).

Description of the Proposed Development

The applicant is applying for a use variance and rezoning to permit the establishment of a non-accessory parking lot on the site. The applicant proposes to use the non-accessory parking for a

funeral chapel at 1171 Fife Street which is located directly west of the site across a public lane. In addition, the plans submitted require the applicant to apply for several variances to the front, side, and rear yards of the existing "MP-2" Industrial District and the "R1-4" Residential District as well as the proposed "M1" Industrial District.

Analysis

A non-accessory parking lot is consistent with Neighbourhood and Industrial Policy Area in Plan Winnipeg. The proposed parking lot is also compatible with the surrounding existing and proposed uses. In the plans submitted, the applicant is providing a fenced landscaped buffer of approximately 18.5' between the parking lot and the public lane that abuts the residential area. A four foot light proof fence is also indicated on the plans for the length of the parking lot on the east side (side closest to residential). In addition, significant landscaping along the east fence should provide for an added amenity for the surrounding residential uses.

The proposed parking area plans do not include an access on Machray Avenue or on Church Avenue. All access to the parking lot will be from the public lane between the site and 1171 Fife Street. It is anticipated that at least some traffic to and from the parking area will use Machray and Church Avenues. Should the traffic become excessive on these streets, turning restrictions could be placed on the public lane that would direct traffic exiting the parking area towards Fife Street only.

The subject site is located adjacent to a residential neighbourhood and is part of a major hydro corridor. Therefore, the Planning and Land Use Division recommends that the uses allowed on the subject site should be restricted to those which are compatible with the Hydro corridor and the adjacent residential neighbourhood.

Recommendation

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

- The proposed use is consistent with Plan Winnipeg
- The existing site is a hydro corridor
- The proposed plans do not adversely affect the adjoining uses and will serve the clientele of the adjacent funeral home.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/2007 dated October 9th, 2007, to a "M1" 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:

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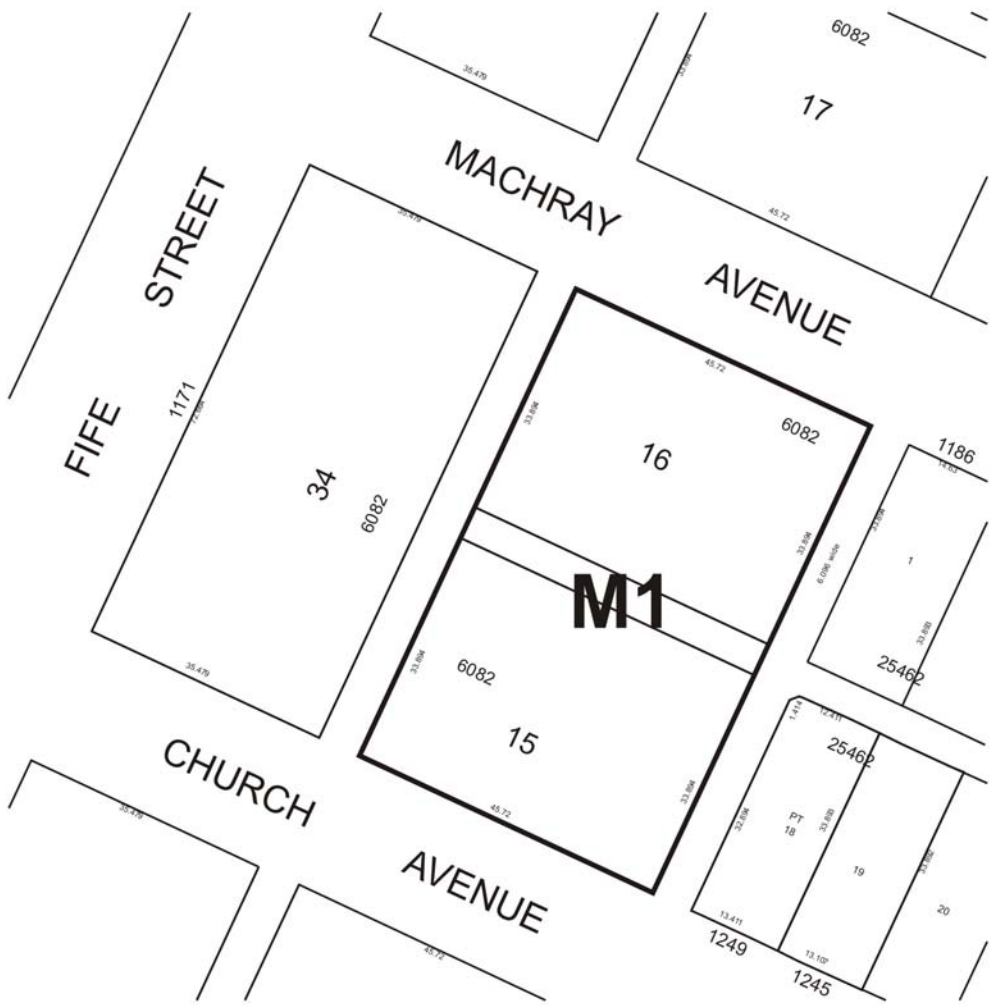
7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Stephen Walker
PPD File # DAZ 230/2007

Schedule "A"

By-Law No.	File No. DAZ 230/07
Atlas Sheet No. V23 LORD SELKIRK WEST KILDONAN COMMUNITY	Explanation A proposed zoning change to By-law No. 6400/94 by rezoning the land located east of Fife Street between Church Avenue and Machray Avenue from an "R1-4" RESIDENTIAL DISTRICT and an "MP-2" INDUSTRIAL DISTRICT to an "M1" INDUSTIAL DISTRICT as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Figure 2: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 230/2007, dated October 9, 2007.

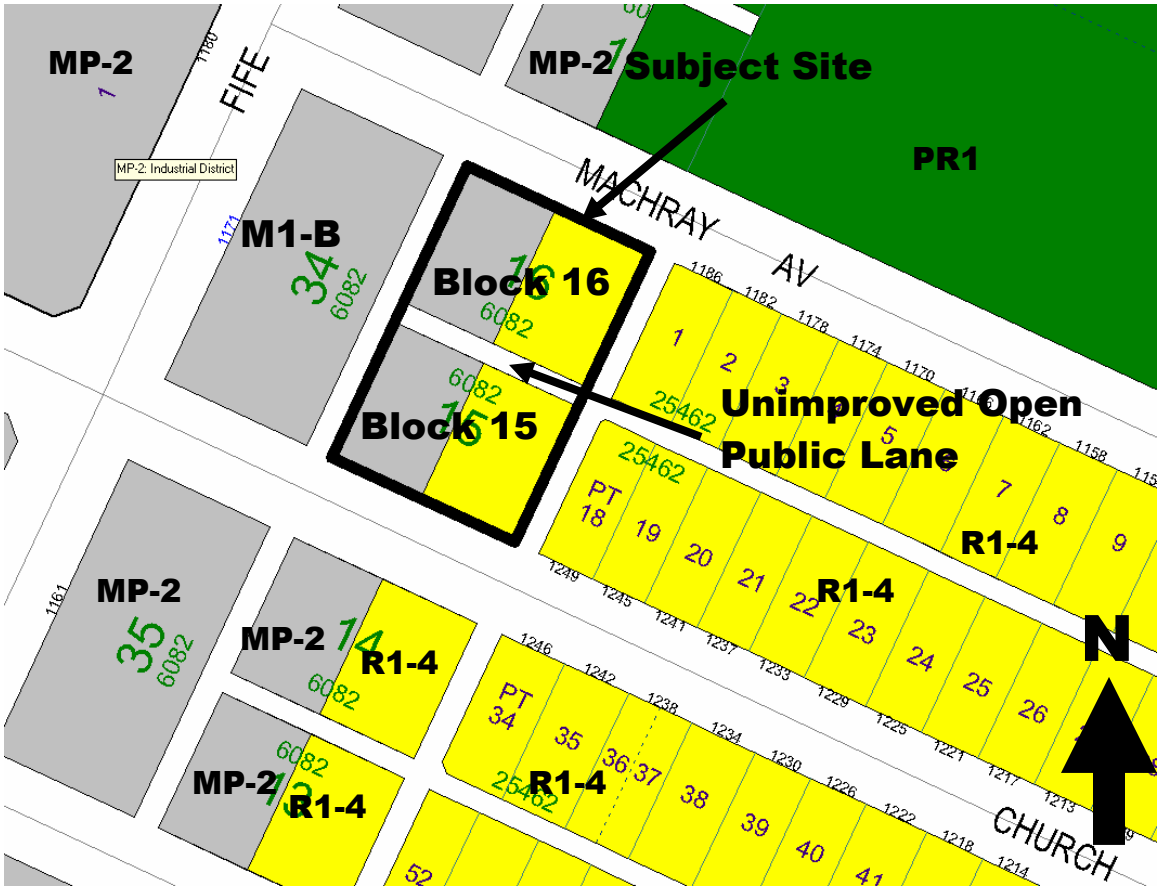


Figure 3: Zoning Map of Subject Site and Surrounding Area

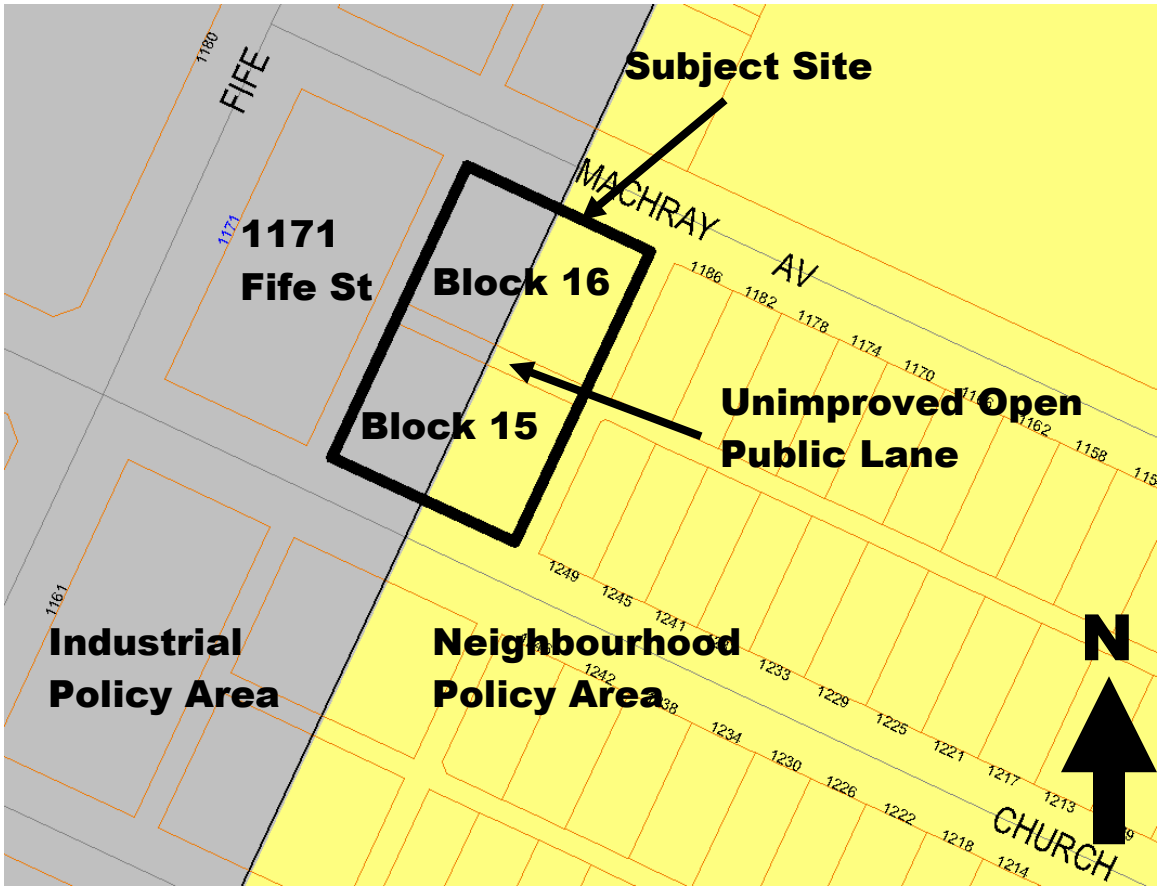


Figure 4: Plan Winnipeg Policy Area Designations