Agenda - Council - March 19, 2008

Report - Executive Policy Committee - March 5, 2008

Item No. 3 Rezoning - 1010 Logan Avenue
(Point Douglas Ward)
File DAZ 236/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 5, 2008, the Executive Policy Committee concurred in the recommendation of 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 shown on Schedule "A" for DAZ 236/2007 dated February 1, 2008, to an "M2" Industrial District.

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 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 - Executive Policy Committee - March 5, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 5, 2008, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 26, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 1010 Logan Avenue**
(Point Douglas Ward)
File DAZ 236/2007 [c/r DAV 157852/2007D, DAV 162370/2007D, DAV 165038/2007D]

For submission to: **Executive Policy Committee**

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

Report date: **February 28, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 26, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for DAZ 236/2007 dated February 1, 2008, to an "M2" Industrial District.

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.

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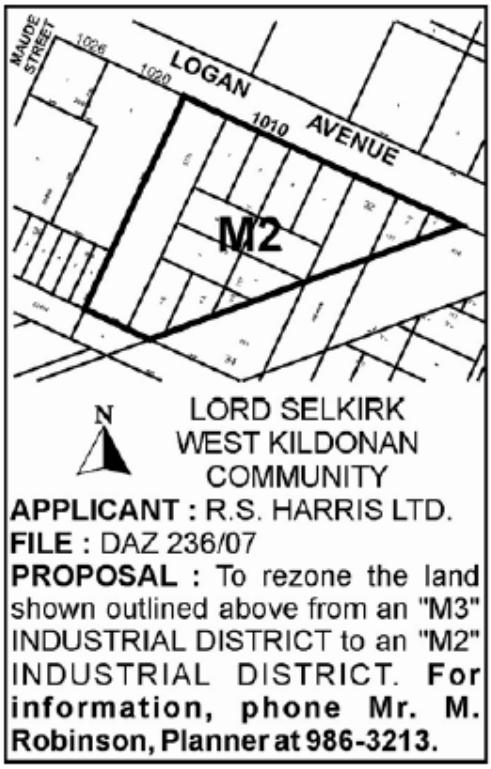
5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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 contained in the report from the Planning and Land Use Division dated February 1, 2008.

PUBLIC HEARING SUMMARY

File:	DAZ 236/2007 [c/r DAV 157852/2007D, DAV 162370/2007D, DAV 165038/2007D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Public Hearing:	February 26, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	R.S. Harris Ltd. (Ron Heron)
Subject:	



Premises Affected:	1010 Logan Avenue
Exhibits Filed:	1. Application dated July 12, 2007 2. Notification of Public Hearing dated January 22, 2008 3. Manitoba Status of Titles 2075590, 2075593, 2075595

4. Surveyor's Building Location Certificate and sketch dated November 30, 2001
5 Plan
6. Report from the Planning and Land Use Division dated February 1, 2008
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ron Heron

In Opposition

Nil

For the City:

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

Exhibit "6" referred to in File DAZ 236/2007 [c/r DAV 157852/2007D, DAV 162370/2007D, DAV 165038/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **February 1, 2008**
File: **DAZ 236/2007**
Related Files: **DAV 07-157852/D, DAV 07-162370/D, DAV 07-165038/D**

Subject: Application to amend By-Law No. 6400/94 by rezoning the land shown below from an "M3" Industrial District to an "M2" Industrial District.
Location: **1010 Logan Avenue**
Legal Description:



Applicant: **R.S. Harris Ltd. (Ron Heron)**
Owner: **2401363 Manitoba**
Recommendation: **Approval**

Report Summary:

- **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**

Site Description
The subject property is located in the Pacific Industrial neighbourhood of the Point Douglas Ward. The site is zoned "M3" Industrial.

North: Industrial uses zoned "M3" Industrial
South: Industrial uses zoned "M3" Industrial
East: Industrial uses zoned "M3" Industrial
West: Industrial uses zoned "M3" Industrial

Background
There are currently two uses in the subject building, a retail store and a roller rink, which are not permitted under By-Law 6400/94. The roller skating rink is operating without an occupancy permit and the retail store is operating with an occupancy permit for a wholesale store.

The Planning, Property, and Development Department advised the property owner and the business owners that the establishments were in contravention of the Zoning By-Law and advised them that they would be required to either make application to legitimize these businesses or alternatively, be shut down by the City.

Description of the Proposed Development
The subject property currently has two uses established; a retail store and a roller skating rink. Neither use is permitted in the "M3" Industrial District. In light of this, the applicant has chosen to make application to rezone the property in order to comply with Zoning By-Law 6400/94.

Use variances have also been applied for in order to legitimize the two uses prior to final adoption of the rezoning By-Law.

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.

Zoning
The applicant is proposing "M2" Industrial zoning for the subject property. The Planning and Land Use Division believes that "M2" is an appropriate zoning district for this property – given the mix of light industrial, warehousing, and commercial uses in the area.

Furthermore, given the proximity of this site to the center of the city and to residences, the current "M3" zoning, which is designed for highly intensive, potentially noxious industries, could have a detrimental impact on the area if the site was developed to its full potential in the future

Finally, the Division does not believe that downzoning this site to "M2" will have a detrimental impact on surrounding industrial operations.

For these reasons, the Division supports a change to "M2" Industrial.

Recommendation

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

- The proposal meets Plan Winnipeg policies for industrial development and compatible land use
- Given the mix of light industrial, warehousing, and commercial uses which are in the area, "M2" is an appropriate zoning district
- "M2" zoning will not have a detrimental impact on surrounding industrial operations.
- The proposed zoning will legitimize two established businesses at the subject location

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 236/2007 dated February 1, 2008, to an "M2" Industrial District.

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.

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5. 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 236/2007

Schedule "A"

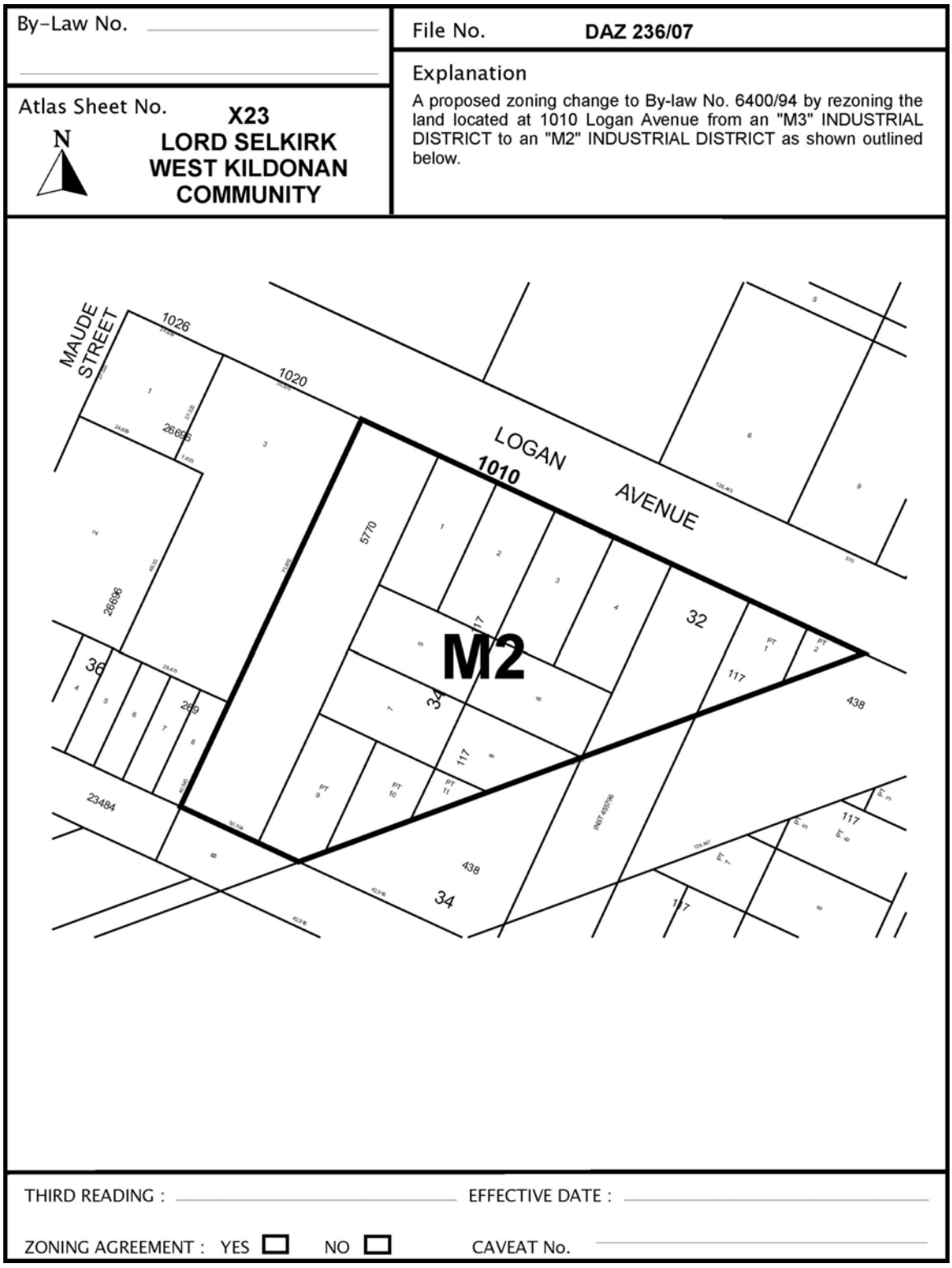

Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 236/2007, dated February 1, 2008.



Figure 1: Aerial Photo (Flown in 2002)