Minute No. 295
Report - Standing Policy Committee on Property and Development - February 26, 2008

Item No. 4 **Rezoning - 1115-1133 Empress Street and 1170-1184 Sanford Street (St. James-Brooklands Ward)**
File DAZ 234/2007 [c/r DAV 163088/2007D]

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 234/2007 dated January 25, 2008, to an 'M2' Industrial District.

2. 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.

3. 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.

4. 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 - February 26, 2008

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 March 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 26, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Delete Recommendation 2. in its entirety, and renumber the remaining recommendations accordingly,

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

RE: **Rezoning - 1115-1133 Empress Street and 1170-1184 Sanford Street File DAZ 234/2007 [c/r DAV 163088/2007D]**

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **February 13, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, 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 234/2007 dated January 25, 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.***~~

2. 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.

3. 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.

4. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 25, 2008.

PUBLIC HEARING SUMMARY

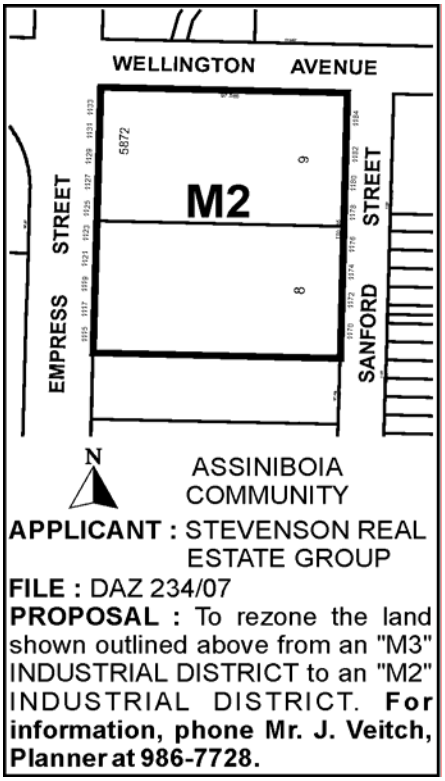
File: DAZ 234/2007 [c/r DAV 163088/2007D]

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: February 12, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Stevenson Real Estate Group (Patrick Hamilton)

Subject:



Premises Affected: 1115-1133 Empress Street and 1170-1184 Sanford Street

Exhibits Filed:

1. Application dated December 4, 2007
2. Notification of Public Hearing dated December 14, 2007
3. Title Search No.1992137
4. Letter of authorization dated November 27, 2007 from 4841035 Manitoba Ltd. to Stevenson Real Estate Group
5. Surveyor's Building Location Certificate and sketch dated November 26, 1971
6. Report from the Planning and Land Use Division dated January 25, 2008
7. Inspection Report

REPRESENTATIONS:
In Support:
Patrick Hamilton, Stevenson Real Estate Group

In Opposition
Nil

For the City:
Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Patrick Hamilton, Stevenson Real Estate Group, appeared in support of the application and gave a brief overview of the proposal. Mr. Hamilton indicated concurrence in the recommendations contained in the report from the Planning and Land Use Division dated January 25, 2008, with the exception of recommendation 2.

Mr. Hamilton stated that the existing "M3" Industrial District zoning allows for salvage yards, land fill and garbage incineration on the subject lands. As this is an application for a less intensive zoning ("M2" Industrial District), the requirement for the payment of a ten percent (10%) dedication to the City should be waived. He added that it seems to be punitive to charge dedication fees when down zoning.

In response to questions by the Chairperson, the Planner advised that the proposed zoning does not in essence make this a commercially zoned site as the "M2" Industrial District zoning designation does have limitations on retail activity, but it does allow for office use, as is required for the intended physiotherapy use for 1133 Empress.

Exhibit "6" referred to in File DAZ 234/2007

Winnipeg

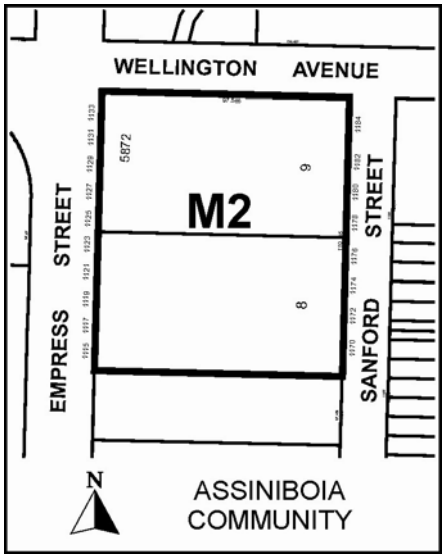
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: January 25, 2008
File: **DAZ 234/2007**
Related Files: DAV 07-163088/D

Subject: To rezone the subject land from 'M3' Industrial to 'M2' Industrial to permit the establishment of an office (Physiotherapy) use in the multi-unit building addressed as 1133 Empress Street.

Location: 1115 – 1133 Empress Street / 1170 – 1184 Sanford Street
Legal Description: Lots 8 / 9 Plan 5872



Applicant: Stevenson Real Estate Group (Patrick Hamilton)
Owner: 4841035 Manitoba Ltd.

Recommendation: *Approved with Conditions*

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 2.3 acre subject site zoned 'M3' Industrial and occupied by two multi-tenant buildings and surface parking. The property is designated Industrial in *Plan Winnipeg 2020*.



Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: Wellington Avenue then 'M3' Industrial (Westview Park)
South: 'M3' Industrial
East: Sanford Street then 'M3' Industrial
West: Empress Street then 'M3' Industrial

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant, on behalf of the owners of the property wishes to rezone the site from 'M3' Industrial to 'M2' Industrial to allow the establishment of an office to be used for Physiotherapy services. A use Variance, (DAV 07-163088) is being applied for at the same time to allow the applicant to establish prior to the Rezoning being finalized.

Analysis

The St. James Industrial neighbourhood is made up of a mix of 'M3' and 'M2' Industrial zones, the majority of the sites being 'M2' which allows for a wide range of industrial uses while prohibiting potentially noxious development.

Under previous zoning by-laws the zones were set up in a 'cascading' format, meaning as you progressed higher up into more intensive zones, the uses of the more restrictive zones were also allowed. With the introduction of the present Zoning By-law 6400/94 this was not the case, many of the uses permitted or conditional in 'M2' for example, are now not allowed in 'M3'.

A significant amount of the industrial sites within this context are occupied by 'M2' uses such as custom crafting, fleet services, office, home building supply store, etc. The limited site sizes and typical building envelopes lend themselves to this less intensive type of industrial use.

The subject site is occupied by two 1 storey, 27,000 square foot multi-tenant industrial buildings constructed in 1971. The units are occupied by uses such as cabinet makers, flooring stores, car audio, food processing, sign manufacturers, etc. The rezoning of the site to 'M2' Industrial will bring the zoning more inline with the existing uses, the site and the surrounding context. The Planning and Land Use Division supports this application.

Recommendation

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

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 234/2007 dated January 25, 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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This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # DAZ 234/2007

Schedule "A"

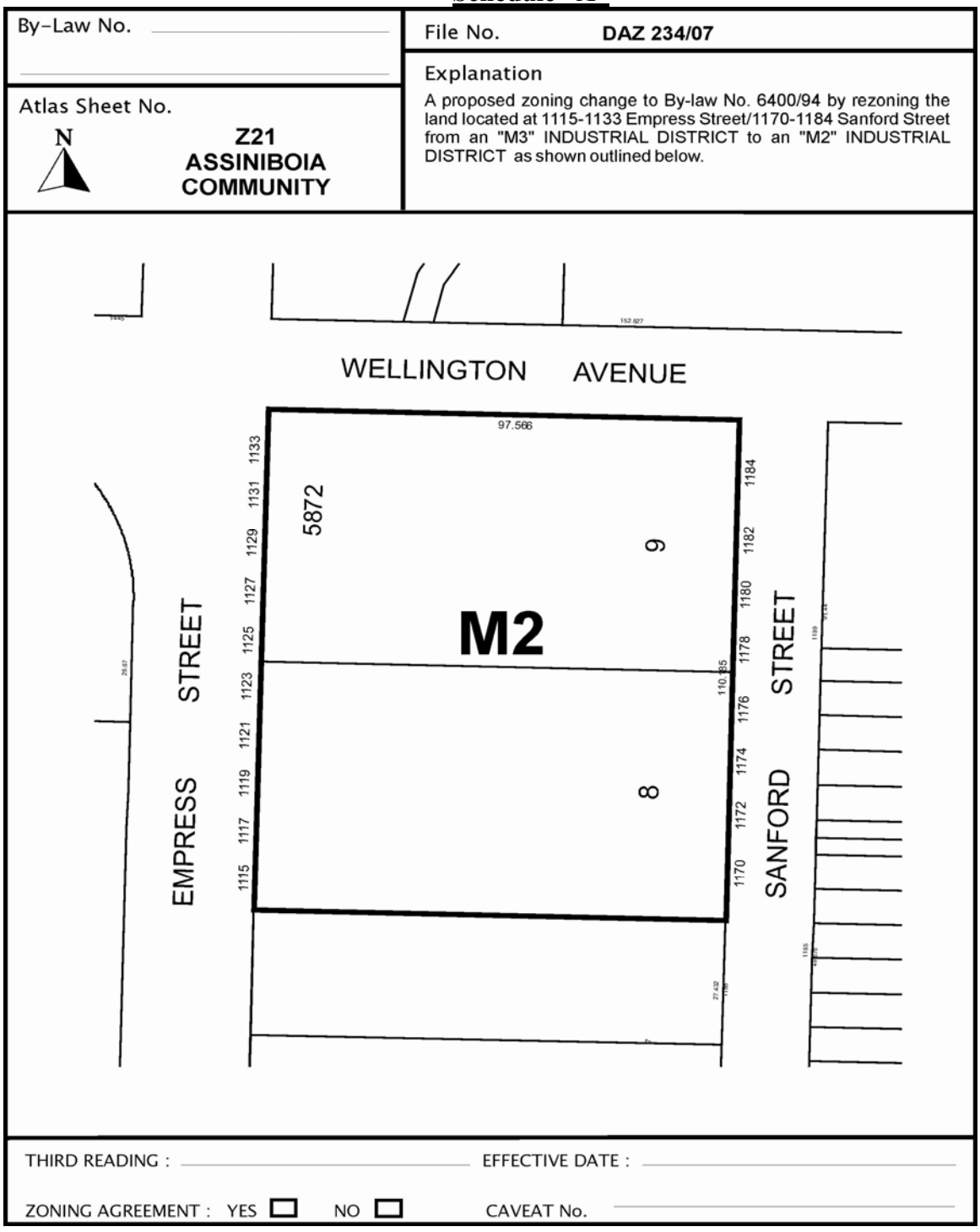

Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File DAZ 234/2007, dated January 25, 2008.