Minute No. 581
Report - Executive Policy Committee - September 3, 2008

Item No. 4 **Rezoning - 730 - 740 Century Street**
(St. James-Brooklands Ward)
File DAZ 216/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 216/2008 dated June 17, 2008 to an "M1" Manufacturing Light 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. Cultural centre
         b. Auditorium/concert hall/theatre/cinema
         c. Hall rental
         d. Private club, not licensed
         e. Personal services
         f. Cheque cashing facility
         g. Supermarket
         h. Contractor's establishment

      ii. That retail sales uses on the land shall not exceed a maximum floor area of 3,000 square feet per unit.

      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, lighting, landscaping and signage to the Director of Planning, Property and Development for plan approval 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 - Executive Policy Committee - September 3, 2008

COUNCIL DECISION (continued)

iv. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

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 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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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 - Executive Policy Committee - September 3, 2008

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 3, 2008, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2008, the Assiniboia 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 - 730 - 740 Century Street**
File DAZ 216/2008 [c/r DAV 122647/2008D]

For submission to: **Executive Policy Committee**

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

Report date: **July 11, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2008, the Assiniboia 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 216/2008 dated June 17, 2008 to an "M1" Manufacturing Light 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. Cultural centre
            b. Auditorium/concert hall/theatre/cinema
            c. Hall rental
            d. Private club, not licensed
            e. Personal services
            f. Cheque cashing facility
            g. Supermarket
            h. Contractor's establishment

        ii. That retail sales uses on the land shall not exceed a maximum floor area of 3,000 square feet per unit.

        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, lighting, landscaping and signage to the Director of Planning, Property and Development for plan approval 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.

iv. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

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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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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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 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 June 17, 2008.

PUBLIC HEARING SUMMARY

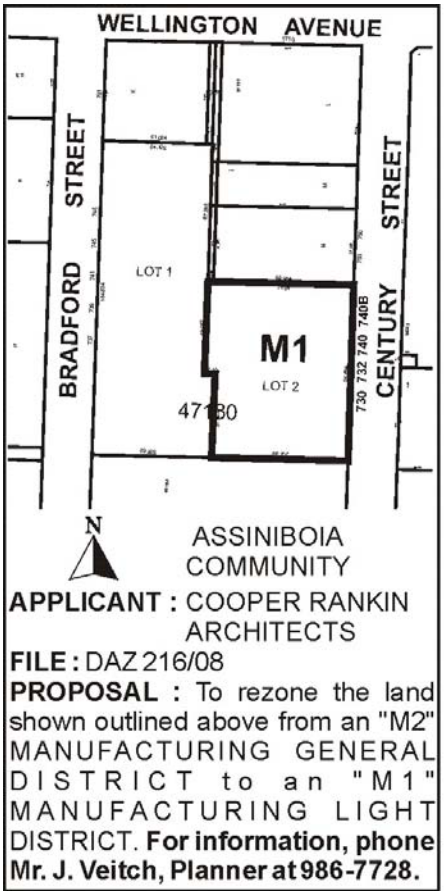
File: DAZ 216/2008 [c/r DAV 122647/2008D]

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

Public Hearing: July 8, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Cooper Rankin Architects (Arnie Cooper)

Subject:



Premises Affected: 730 - 740 Century Street

Exhibits Filed:

1. Application dated June 2, 2008
2. Notification of Public Hearing dated June 9, 2008
3. Manitoba Status of Title 2286992
4. Letter of authorization dated March 31, 2008 from 5531039 Manitoba Ltd. to Cooper Rankin Architects
5. Surveyor's Building Location Certificate and sketch dated May 26, 2008
6. Plans (2 pages)
7 Report from the Planning and Land Use Division dated June 17, 2008
8. Inspection Report
9. Audio Recording of representations of public hearing held on July 8, 2008

REPRESENTATIONS:

In Support:

Arnie Cooper, Cooper Rankin Architects

In Opposition:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 216/2008

Winnipeg

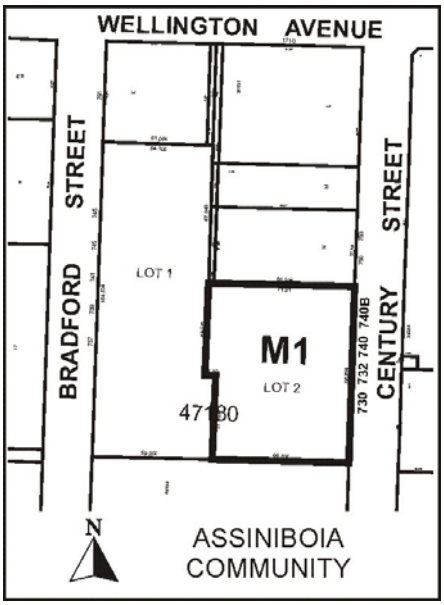
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: June 17, 2008
File: **DAZ 216/2008**
Related Files:

Subject: To rezone the land from 'M2' Manufacturing General district to 'M1' Manufacturing Light district

Location: 730 / 740 Century Street
Legal Description: Lot 2, Plan 47180



Applicant: Cooper Rankin Architects (Mr. Arnie Cooper)

Owner: 5531039 Manitoba Ltd.

Recommendation: *Approved with Conditions*

Site Description

Existing Land Use and Zoning

The subject site is located in the St. James Industrial Neighbourhood of the Assiniboia Community. The property is currently zoned 'M2' Manufacturing General and occupied by two buildings sharing a common wall. 730 Century is a two unit, 18,900 square foot, one storey, concrete block building and is currently vacant. 740 Century is 10,700 square feet and occupied by Acryl Design Ltd. plastic fabrication and signage.



Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: 'M2' Manufacturing General
South: 'M2' Manufacturing General
East: Century Street then 'M2' Manufacturing General
West: 'M2' Manufacturing General then Bradford Street

Description of the Proposed Development
The applicant is applying to rezone the property from an 'M2' Manufacturing General district to an 'M1' Manufacturing Light district to allow the establishment of a computer manufacture, service, distribution and retail business in one of the two units within 730 Century. A 'use' variance is being applied for in conjunction with the rezoning application to allow the retail component of the business to establish prior to the rezoning being finalized. Use variances can be approved for a maximum period of 5 years.

Analysis

PLAN WINNIPEG
The subject site is within an area designated as Industrial in *Plan Winnipeg 2020.* Related policies such as 3A-01 Promote Orderly Development and 3A-02 Promote Compact Urban Form support concentrated industrial uses with the possible introduction of compatible commercial uses as well as supporting new development compatible with existing development.

COMPATIBILITY
There is a wide range of existing uses in the immediate context of the subject site, many of which include a retail sales component. Our previous By-law 6400/94 allowed retail sales in the 'M2' Industrial district as a conditional use accounting for their current existence in this area.

It should be noted as well that historically City of Winnipeg zoning by-laws were set up to allow uses on a 'cascading' basis; meaning, uses listed in the more restricted Manufacturing zone such as 'M1' would automatically be allowed in the next more inclusive zone in addition to the higher level of uses listed such as in this case the 'M2' Manufacturing General district.

Our current Zoning By-law 200/2006 came into effect in March 2008 and no longer lists retail sales as either conditional or permitted in the 'M2' Manufacturing General district. Therefore in order to establish a use which is consistent with the context the owners must rezone the property to 'M1' Manufacturing Light.

In terms of the proposed use of computer manufacturing, service, distribution and limited sales use, the applicant and their client have adjusted the floor plan based on our division's request reducing the retail component to 2,615 square feet. The retail sales component now represents 30% of their total operation making the sales portion truly accessory to the proposed manufacturing / service use.

The Planning and Land Use Division will be recommending a condition in the Zoning Agreement to cap all retail sales on the site to a maximum of 3,000 square feet per unit.

TRANSPORTATION AND SITE ACCESS
The owners will maintain the existing site access off of Century Street, a 3-lane northbound arterial. Shipping and receiving will take place at the rear, (southwest) corner of the building.

The division does not anticipate and detrimental impact by the proposed rezoning on the current transportation and site access.

SITE DESIGN ISSUES
The Planning and Land Use Division and the applicant discussed the opportunity to include some landscaping as part of the renovation of the property. The applicant and their client were amenable to the idea even though they were not required to provide landscaping based on a previous Zoning and Permits interpretation under the former by-law. The project architect will be submitting a landscape plan to be included as part of their plan approval process.

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 No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 216/2008 dated June 17, 2008 to an 'M1' Manufacturing Light District subject to the following:

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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 216/2008

Schedule "A"

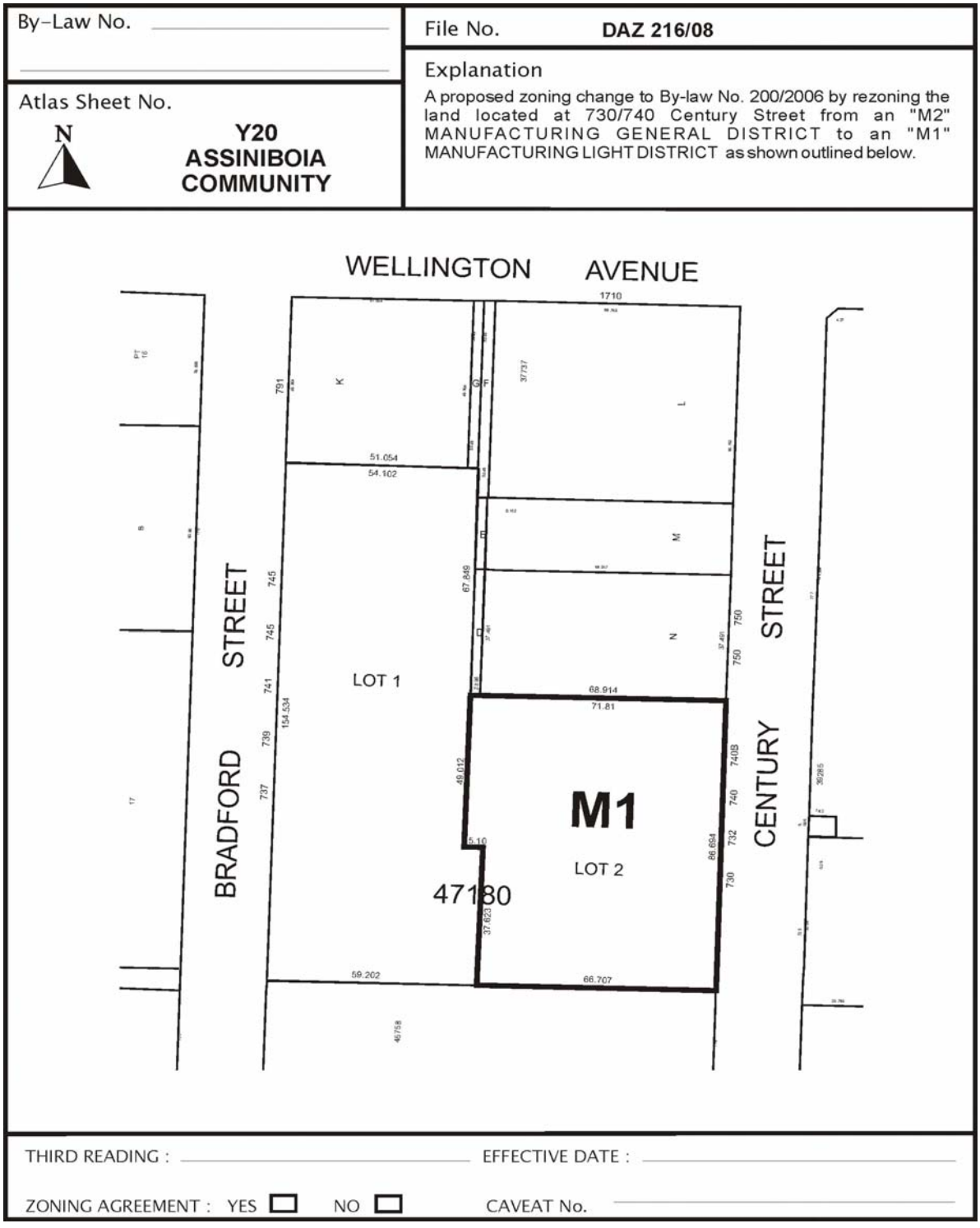


Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File DAZ 216/2008, dated June 17, 2007.