Agenda - Council - September 30, 2009

Report - Standing Policy Committee on Property and Development – September 8, 2009

Item No. 10 Rezoning – 1770 King Edward Street
(St. James-Brooklands Ward)
File DAZ 205/2009

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

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 205/2009 contained in the report of the Winnipeg Public Service dated July 6, 2009, to an '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 for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That the zoning section of the by-law comes into force and effect 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 the by-law is passed.

3. 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.

Report - Standing Policy Committee on Property and Development - September 8, 2009

4. 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.

5. That the Acting 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.

6. That the Acting 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 – September 8, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2009, 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 September 8, 2009, 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 July 14, 2009, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Delete Recommendations 1. and 2. in their entirety and replace with 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 205/2009 contained in the report of the Winnipeg Public Service dated July 6, 2009, to an 'M1' Industrial District, subject to the following:

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Report - Standing Policy Committee on Property and Development – September 8, 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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

2. That the zoning section of the by-law comes into force and effect 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 the by-law is passed.

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1770 King Edward Street**
(St. James-Brooklands Ward)
File DAZ 205/2009 [c/r DCU 117208/2009D]

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

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **July 15, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2009, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2009 dated July 6, to an 'M1' Industrial District.***~~

~~***2. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.***~~

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 205/2009 contained in the report of the Winnipeg Public Service dated July 6, 2009, to an 'M1' Industrial District, subject to the following:

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2. ***That the zoning section of the by-law comes into force and effect 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 the by-law is passed.***

3. 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.

4. 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.

5. That the Acting 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.

6. That the Acting 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(s) for its recommendation:

1. It is a great opportunity for the organization to have a new home and the Ward is supportive of this;

2. Makes sense from a land use policy point of view.

PUBLIC HEARING SUMMARY

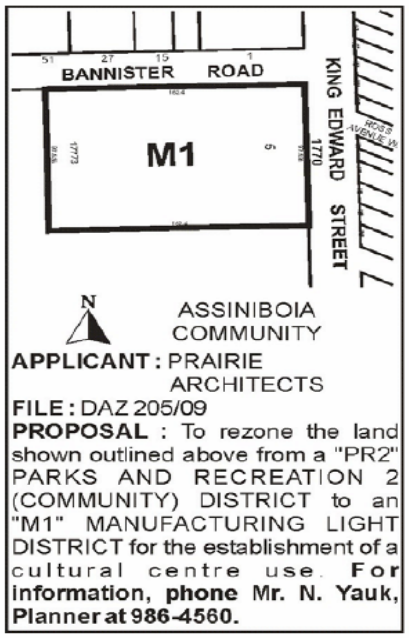
File: DAZ 205/2009 [c/r DCU 117208/2009D]

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

Public Hearing: July 14, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Prairie Architects Inc. (Hijab Mitra)

Subject:



Premises Affected: 1770 King Edward Street

Exhibits Filed:

1. Application dated May 22, 2009
2. Notification of Public Hearing dated June 3, 2009
3. Manitoba Status of Title 2283963
4. Letter of authorization dated May 4, 2009 from Amar Chadha, Board of Punjab Centre, Manitoba Sikh Cultural and Senior Centre Inc., and the Punjab Foundation of Manitoba Inc., to Prairie Architects
5. Plans (10 pages)

6. Report from the Planning and Land Use Division dated July 6, 2009
7. Inspection Report
8. Computer generated images (6) of the proposed development submitted at the public hearing by Amar Chadha
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Amar Chadha
Paul Claire
Hijab Mitra

In Opposition:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 205/2009 [c/r DCU 117208/2009D]

ADMINISTRATIVE REPORT

ISSUE: DAZ 205/09, 1770 King Edward Street

Critical Path: Assiniboia Community Committee as per Development Procedures By-Law

AUTHORIZATION

Author	Department Head	CFO	CAO
N Yauk Planner			

RECOMMENDATIONS

RECOMMENDED CONDITIONS OF APPROVAL

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 205/2009 dated July 6, to an 'M1' Industrial District.
2) That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.
3) 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 prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.
6) 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.

IMPLICATIONS OF THE RECOMMENDATIONS

Will result in a change to Zoning By-Law 200/2006.
Will allow building permits to be issued for “M1” land uses upon the site.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Noah Yauk
Date:	July 6, 2009
File No.	DAZ 205/09

APPENDIX 'A'

DATE: July 6, 2009
FILE: DAZ 205/2009
RELATED FILES: DCU 09-117208/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.225
SUBJECT: To rezone the subject site from a "PR2" Parks and Recreation District to an "M1" Industrial District.

LOCATION: 1770 King Edward ST
LEGAL DESCRIPTION: LOT 5 PLAN 17773 SE 14 11 2E

APPLICANT: Hijab Mitra Prairie Architects Inc.
141 BANNATYNE AVE UNIT 200
WINNIPEG MB R3B 0R3

OWNERS: Manitoba Sikh Cultural and Seniors Centre
Punjab Foundation of Manitoba Inc.

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION
The subject property, which is located on the southwest corner of Bannister Road @ King Edward Street, in the Omands Creek Industrial neighbourhood of the St. James - Brooklands ward. The size of the subject site is 3.7 acres.

Surrounding Land Use and Zoning
North: Bannister Road, then Industrial uses zoned "M1" Industrial District.
South: A large surface parking area associated with Red River Community College Campus zoned "E1" Educational and Institutional District.
East: Greenspace and sports fields associated with Red River Community College Campus zoned "EI" Educational and Institutional District.
West: King Edward Street, then residential land uses zoned "R1-M" Residential District.

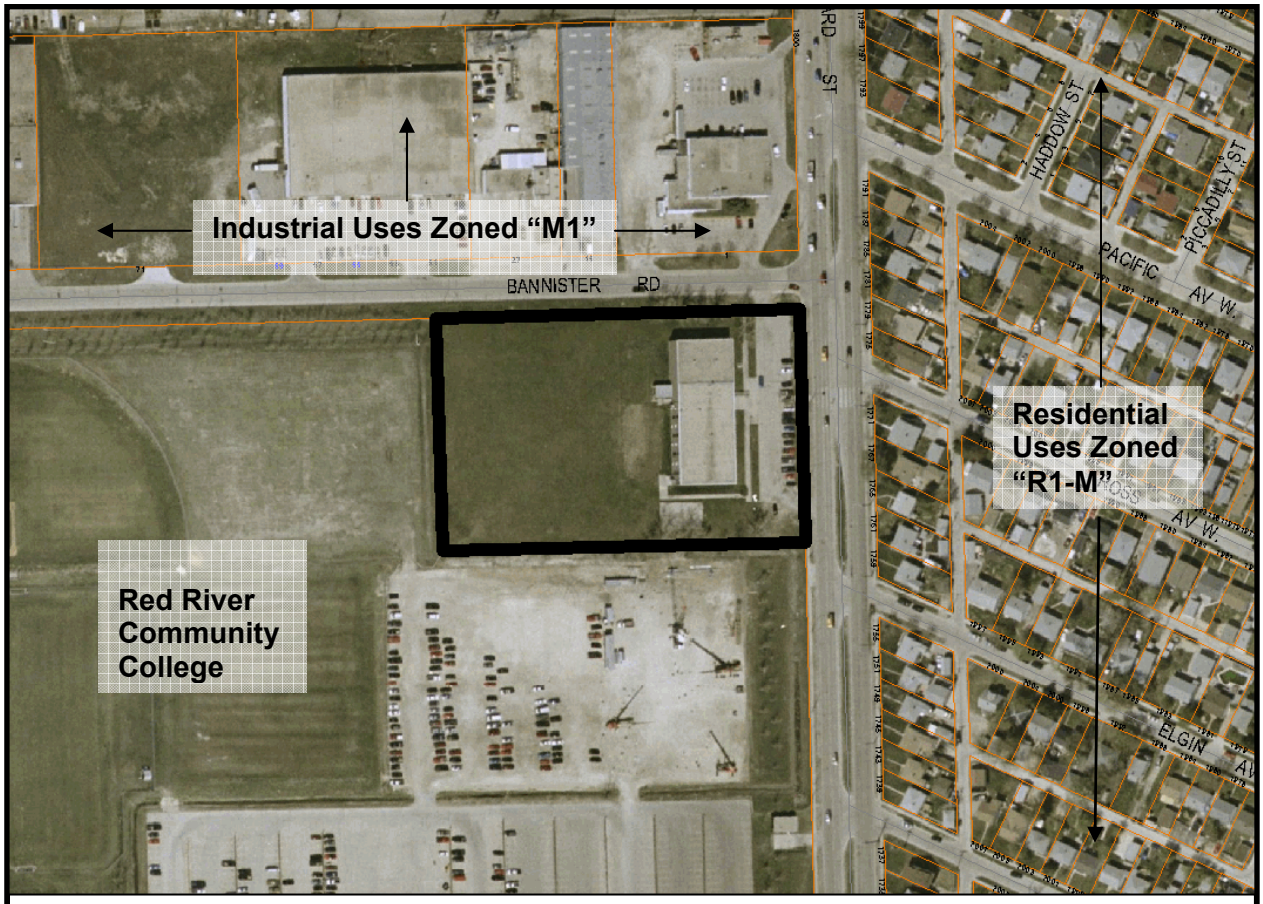

Figure 1: Subject Site and Surrounding Land Uses

Surrounding Land Use and Zoning
North: Bannister Road, then Industrial uses zoned "M1" Industrial District.
South: A large surface parking area associated with Red River Community College Campus zoned "E1" Educational and Institutional District.
East: Greenspace and sports fields associated with Red River Community College Campus zoned "EI" Educational and Institutional District.
West: King Edward Street, then residential land uses zoned "R1-M" Residential District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant is applying to rezone the subject property from a "PR2" Parks and Recreation district to an "M1" Industrial district to accommodate a Cultural Centre use.

ANALYSIS AND ISSUES

***Plan* Winnipeg**

The proposed rezoning is compatible with Plan Winnipeg, given its location within an Industrial Policy Area. The site is also adjacent to other active Industrial uses zoned "M1".

Draft Employment Lands Strategy and Maintenance of Industrial Policy Area
Though not yet adopted by City council, the "City of Winnipeg Comprehensive Employment Lands Strategy", identifies strategies to accommodate the future demand for industrial lands within specific areas of the city. Most important to the application at hand, the strategy

addresses the future status of existing industrial areas. In the case of the Omand's Creek Industrial Neighbourhood, the strategy recommends that no changes to the Industrial Policy Area are recommended". Given this context, the associated rezoning to an industrial district is appropriate in that it would be closer aligned to the broad policy objective governing the site, which is Industrial Policy Area in Plan Winnipeg.

Compatibility with Existing Land Uses

The proposed land use is also considered a good transition to the residential land uses located on the east side of King Edward Street, as this location forms the Boundary between a Neighbourhood Policy Area of Plan Winnipeg to the east and an Industrial Policy Area of Plan Winnipeg to the west. The proposed use is compatible with residential uses and may even serve some of the constituents in the residential community. It is also noted that there is more than 100 feet of separation between the proposed use and existing residences fronting King Edward Street. The proposed zoning district is the most restrictive industrial one. This ensures the future compatibility of land uses, while maintaining the industrial land use policy for this site.

Plan Approval

The Planning and Land Use Division is generally supportive of the proposed site plan. However, plan approval is a recommended condition of approval mainly because the Planning and Land Use Division has some concerns about the design of the proposed parking area. Plan approval intends to ensure that the parking area is developed with attention to internal landscaping and that, given its size, it be broken up for visual interest. It was suggested to the applicant that the proposed south parking area wrap behind the existing building to avoid a long expanse of pavement. Zoning By-Law 200/2006 places a strong emphasis on these factors.

RECOMMENDED CONDITIONS OF APPROVAL

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 205/2009 dated July 6, to an 'M1' Industrial District.
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This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Noah Yauk
PPD File # DAZ 205/09

Schedule "A"

By-Law No. _____

File No. **DAZ 205/09**

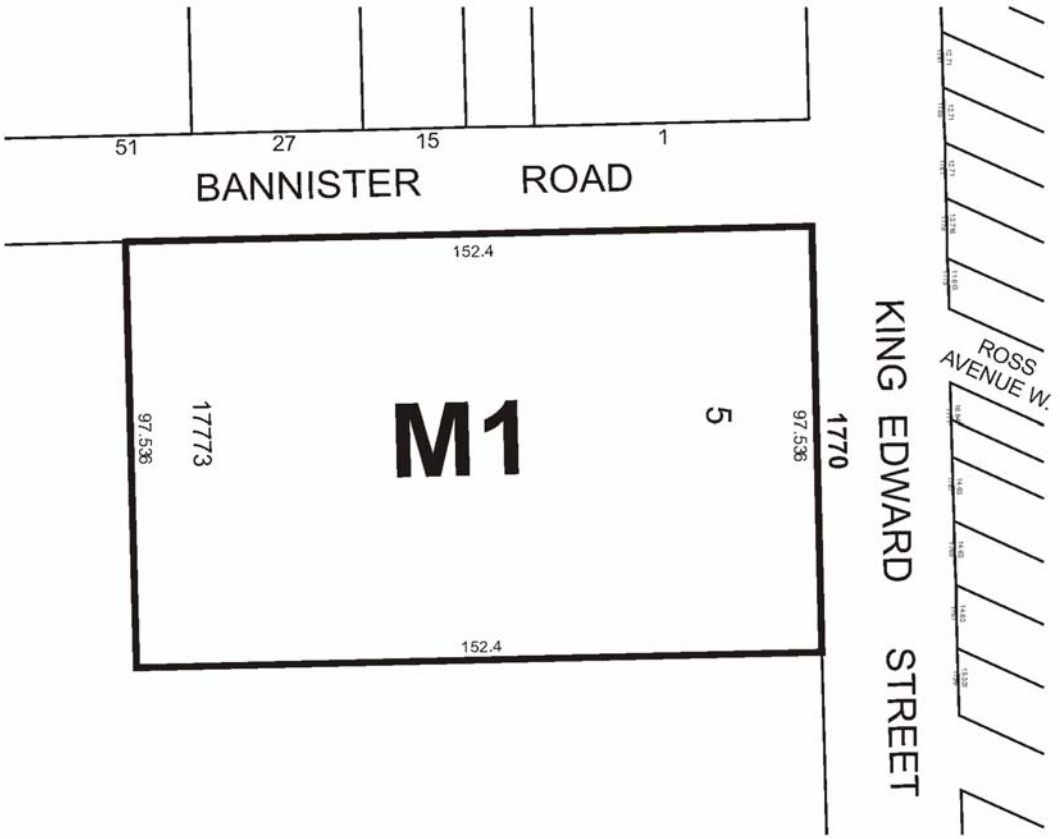
Atlas Sheet No.

N

AA20
ASSINIBOIA
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1770 King Edward Street from a "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT for the establishment of a cultural centre use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____