**Minutes - Executive Policy Committee - October 21, 2009**

**Minute No. 427**
**Report - Standing Policy Committee on Property and Development - October 8, 2009**

**Item No. 11 Rezoning – 91 Lowson Crescent**
**(Charleswood-Tuxedo Ward)**
**File DAZ 206/2009**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, 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 206/2009 contained in the report of the Winnipeg Public Service dated September 14, 2009, to an 'M2' Manufacturing General 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 use of the subject property shall be limited to:
            a. Amusement enterprise, Indoor; and
            b. Outside storage

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 bylaw 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.

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

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.

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

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee with the following amendment, namely:

- Add the following Recommendation and renumber the remaining Recommendations:

    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 bylaw is passed,

and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Amend recommendation 1. by adding the following after the words “Manufacturing General 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:

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

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. That the use of the subject property shall be limited to:
   a. Amusement enterprise, Indoor; and
   b. Outside storage,"

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

**RE:** **Rezoning – 91 Lowson Crescent**
**(Charleswood-Tuxedo Ward)**
**File DAZ 206/2009 [c/r DAV 117519/2009D]**

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

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

**Report date:** **September 14, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 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 206/2009 contained in the report of the Winnipeg Public Service dated September 14, 2009, to an 'M2' Manufacturing General 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. Land uses on the subject land shall be limited to:***
            ***a. Amusement enterprise, Indoor; and***
            ***b. Outside storage***

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 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 reasons for its recommendation:

1. This is a good use and this type of facility is consistent with the area and will not conflict with anyone;

2. This is an interesting concept and may lead to others in the City.

**PUBLIC HEARING SUMMARY**

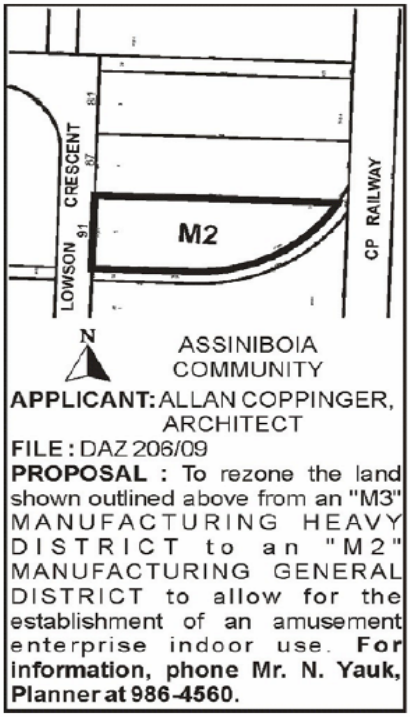
File: DAZ 206/2009 [c/r DAV 117519/2009D]

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

Public Hearing: September 22, 2009
North Committee Room
Council Building, 510 Main Street

Applicant: Allan Coppinger, Architect

Subject:




Premises Affected: 91 Lowson Crescent

Exhibits Filed:
1. Application dated April 30, 2009
2. Notification of Public Hearing dated August 25, 2009
3. Manitoba Status of Title 1477169
4. Letter of authorization dated April 29, 2009 from Rick Friesen, President, R&J Friesen Investments Ltd., to Allan Coppinger

5. Surveyor's Building Location Certificate and sketch dated March 17, 1997
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated September 14, 2009
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Allan Coppinger
Brad Rice

In Opposition

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 206/2009 [c/r DAV 11751/2009D]

# ADMINISTRATIVE REPORT

**ISSUE:** DAZ 206/09, 91 Lowson Crescent

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| N Yauk<br>Planner | N/a | N/a | |

## 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 206/2009 dated July 6, 2009, to an 'M2' Manufacturing General 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 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 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 an Amusement Enterprise, Indoor Use.

## CONSULTATION

**In preparing this Report there was consultation with:**

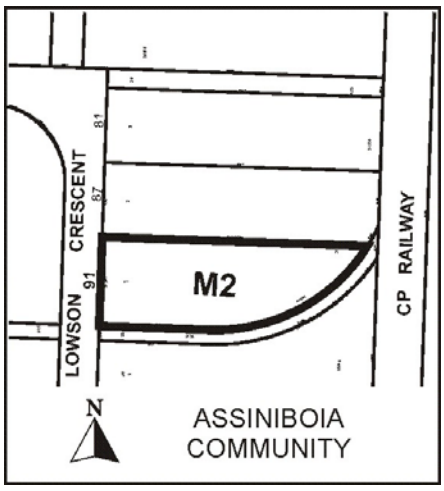
N/A

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Planning and Land Use |
| Prepared by | Noah Yauk |
| Date: | September 14, 2009 |
| File No. | DAZ 206/09 |

**APPENDIX 'A'**

| | |
|---|---|
| **DATE:** | September 14, 2009 |
| **FILE:** | DAZ 206/09 |
| **RELATED FILES:** | DAV 09-117519/D, DAV 85/97, DAV 07-141219 (not completed) |
| **COMMUNITY:** | Assiniboia Community |
| **NEIGHBOURHOOD #:** | 2.668 |
| **SUBJECT:** | To rezone the subject property from an "M3" Manufacturing Heavy District to an "M2" Manufacturing General District to allow for the establishment of an Amusement Enterprise Indoor Use |
| **LOCATION:** | 91 Lowson CRES |
| **LEGAL DESCRIPTION:** | LOT 1 PLAN 31538 60/61 ST B OTM |




| | |
|---|---|
| **APPLICANT:** | Allan Coppinger, Architect<br>118 MORLEY AVE<br>WINNIPEG MB R3L 0X8 |
| **OWNER:** | R & J FRIESEN INVESTMENTS LTD.<br>ATTENTION: RICK FRIESEN<br>1922 ST MARY'S RD WINNIPEG MB R2N 1L3 |
| **RECOMMENDATION:** | Approval, with conditions |

**SITE DESCRIPTION**

The subject property, which is zoned "M3" Manufacturing Heavy District, is located on the east side of Lowson Crescent near the northernmost bend, in the Tuxedo Industrial neighbourhood of the Charleswood - Tuxedo ward.

**North:** An outdoor storage facility zoned "M3" Manufacturing District.
**South:** A warehouse use zoned "M3" Manufacturing District.

**East:** A CNR rail line, then an industrial warehouse use zoned “M2” Manufacturing District.
**West**: Lowson Crescent, then industrial uses zoned “M3” Manufacturing District.




**Figure 1: Subject Site and Surrounding Land Uses**

**DESCRIPTION OF PROPOSED DEVELOPMENT**
The applicant is seeking to rezone the subject property to “M2” Manufacturing General District (Schedule A) for the purpose of creating an indoor hockey training facility. It is noted that the applicant is applying concurrently for a Use Variance in order to establish the use prior to the rezoning process being finalized.

**Zoning**
Zoning By-Law 200/2006 does not provide for the proposed use within the “M3” District. The use however, is provided for within the “M2” District as a permitted use. It is noted, that the application at hand historically would have not required a rezoning to accommodate an “M2” use in an “M3” Zoning District. This is because, most of Winnipeg’s previous zoning by-laws were set up in such a way that allowed Industrial uses on a ‘cascading’ basis. This meant that the more inclusive Industrial District provided for the uses in the more restrictive (less intensive) Industrial District as permitted uses. The rationale for this was that such uses would be

appropriate given that they would be less intensive than those already provided for within that higher level zoning district.

The proposed rezoning of the subject property would alter the range of uses on the subject site by eliminating certain uses currently provided for under the “M3” zoning district and introducing new ones that are provided for under the “M2” zoning district, but not “M3”. Appendix B highlights the uses affected by the proposed zoning change. Appendix B does not include those uses that treated the same under both “M2” and “M3”.

**Compatibility with existing neighbourhood and surrounding uses**
Proximity to a variety of “M2” type uses ensures that the proposed rezoning will not create land uses out of character with existing uses. Recent development activity in the area also suggests that the rezoning would be compatible with future land uses intended in the area. An overall transition to less intensive industrial and even commercial uses is evidenced by recent land use policy changes in the Tuxedo Industrial Neighbourhood. These include:

i. A Plan Winnipeg amendment at Tuxedo Yards (Kenaston & Sterling Lyon) to establish an Area of Regional Commercial and Mixed Use Concentration, and
ii. The introduction of an “MMU” Manufacturing Mixed Use District just west of the site on Kenaston Boulevard, which accommodates supportive commercial uses.

**Emerging Policy: Employment Lands Strategy**
Though not yet adopted by City Council, the future use of existing industrial lands will likely be impacted by the policy recommendations outlined in the “City of Winnipeg Comprehensive Employment Lands Strategy”, a key study component of the Plan Winnipeg review process. The report, which is currently in draft form, identifies strategies to accommodate the future demand of industrial land in specific area of the city. In the case of the Tuxedo Industrial Neighbourhood, the strategy recommends: “that the limits of the Tuxedo Industrial Policy Area be redrawn to exclude…the lands lying north of Sterling Lyon Parkway”. Though the subject site is slightly south of Sterling Lyon Parkway its proposed industrial use is compatible with the overall policy projection for the area. It is noted that this use is also permitted in the “C2”, “C3”, “C4”, and “CMU” zoning districts.

**Land Dedication**
As part of the rezoning, the applicant will provide cash in lieu of land dedication if an increase in market value is realized on the subject property from “M3” to “M2”.

**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 206/2009 dated July 6, 2009, to an ‘M2’ Manufacturing General 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 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 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: Noah Yauk
PPD File # DAZ 206/09

**Appendix B: Use Implications of Proposed Rezoning**

| USE | M2 | M3 |
|---|---|---|
| **Community Facilities** | | |
| Community/recreation centre | P | |
| Jail/detention centre | C | P |
| **Education** | | |
| Commercial school | P | |
| **Other Public and Institutional** | | |
| Day care centre | P* | |
| Place of worship | P | |
| **Cultural Facilities** | | |
| Gallery/museum | P | |
| **Recreation and Entertainment, Indoor** | | |
| Amusement enterprise, indoor | P | |
| Sports or entertainment arena/stadium, indoor | C | |
| Studio, radio/TV/motion picture broadcast and production | P | |
| **Recreation and Entertainment, Outdoor** | | |
| Amusement enterprise, outdoor | P | |
| **Accommodation** | | |
| Hotel or motel | C | |
| **Office** | | |
| Call centre | P | |
| Office | P | |
| **Personal Services** | | |
| Funeral chapel or mortuary | P | |
| Medical/dental/optical/counseling clinic | P | |
| **Retail Sales** | | |
| Landscape or garden supplies | P | |
| **Restricted** | | |
| Pawnshop | C* | |
| X-rated store | C* | P* |
| **Private Motor Vehicle Related** | | |
| Auto/light truck/motorcycle,sales and rental | P* | |
| Drive-in or drive-through | P* | |
| **Transit and Transportation** | | |
| Railway yard | | P |
| **Manufacturing and Production** | | |
| Heavy manufacturing | | P |
| Heavy manufacturing | | P |
| **Waste and Salvage** | | |
| Garbage incineration and reduction | | P |
| Landfill/snow dump | | P |
| Recycling plant | P* | P |
| Waste transfer station | | P |
| Wrecking and salvage yard | | P* |
| P = Permitted<br>P* = Permitted with Use Specific Standards<br>C = Conditional<br>C* = Conditional with Use Specific Standards | | |

**Schedule "A"**

By-Law No. _____

File No. **DAZ 206/09**

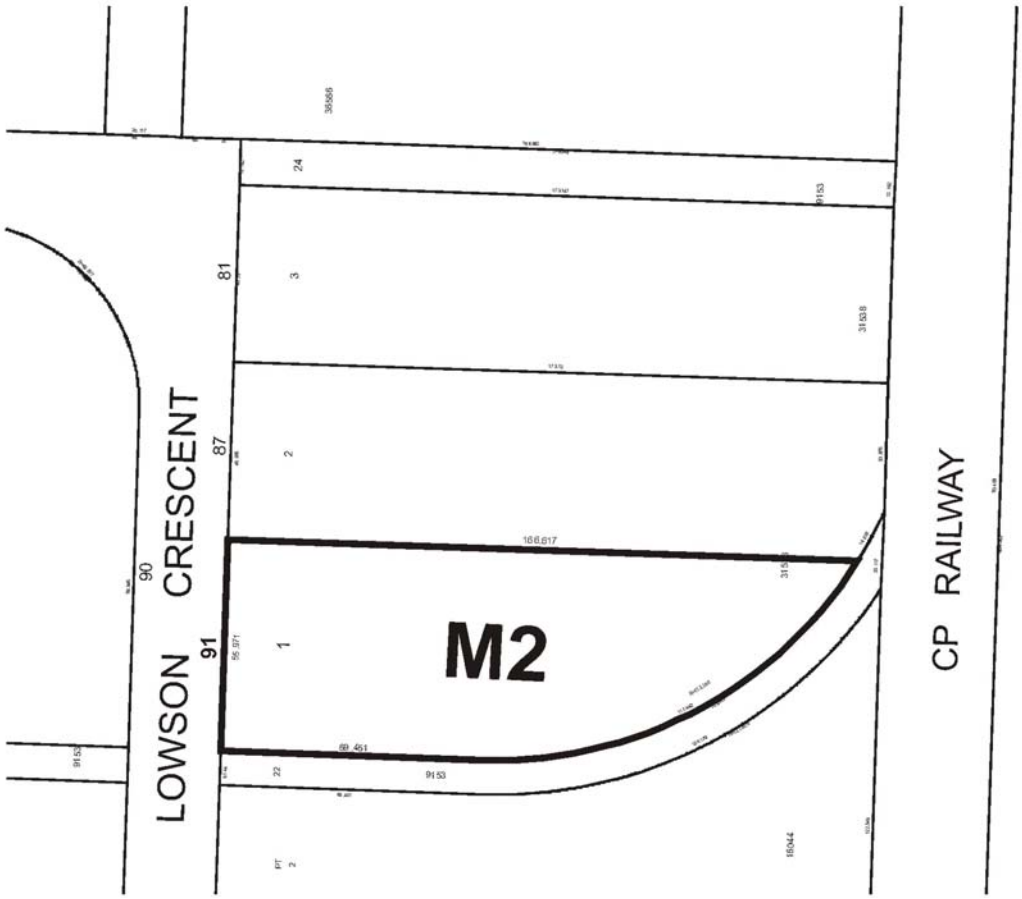
Atlas Sheet No.

N

**AF20**
**ASSINIBOIA**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 91 Lowson Crescent from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____