Agenda - Council – December 15, 2010

Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 19 Rezoning – 625 Marion Street – DAZ 219/2010
(St. Boniface Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel 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 219/2010 dated October 8, 2010 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 – December 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 625 Marion Street**
File DAZ 219/2010 [c/r DAV 151381/2010D]

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **November 9, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service 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 219/2010 dated October 8, 2010 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated October 8, 2010 and in the report.

2. The proposed use will be a good fit for the area.

PUBLIC HEARING SUMMARY

File: DAZ 219/2010 [c/r DAV 151381/2010D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves
Councillor Swandel

Public Hearing: November 8, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Telecom Options (Marielle Decelles-Brentnall)

Subject:



Premises Affected: 625 Marion Street

Exhibits Filed:

1. Application dated September 1, 2010
2. Notification of Public Hearing dated September 15, 2009
3. Title Search 1145435
4. Letter of authorization dated August 10, 2010 from Joe and Jean Martin to Telecom Options Inc. (Marielle Decelles-Brentnall)
5. Surveyor's Building Location Certificate and sketch dated December 18, 1985
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated October 8, 2010
8. Inspection Report
9. Communications in support of the application from the Norwood Grove BIZ, Horizon International Distributors and Mainland Commercial Real Estate submitted by Marielle Decelles-Brentnall at the Public Hearing.
10. Communication in opposition to the application submitted by Michael Falk at the Public Hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jim Boutilier
Colin Brentnall
Gerald and Melani Decelles
Marielle Decelles-Brentall
Mike Decelles
Normand Gousseau
Joe and Jean Martin

In Opposition:

Michael Falk
Curtis Leonhardt

For the City:

Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 219/2010 [c/r DAV 151381/2010D]

ADMINISTRATIVE REPORT

Title: DAZ 219/2010 – 625 Marion Street Public Hearing

Issue: For consideration at the Public Hearing for the rezoning of 625 Marion Street from M3 to M2 to allow for the conversion of a building to an office use.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

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 219/2010 dated October 8, 2010 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant would like to convert the existing building on the site into an office.
- Office uses are not permitted in the M3 zone; however, office uses are permitted in the M2 zone. As such, the applicant would like to down-zone the property from M3 to M2 to allow for the establishment of an office use on the land.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be rezoned from M3 to M2, which will allow for an office use to be established on the land as well as other uses permitted in the M2 zone.

HISTORY

N/A

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:	Robert Kostiuk
Date:	October 8, 2010
File No.	DAZ 219/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 219/10

APPENDIX 'A'

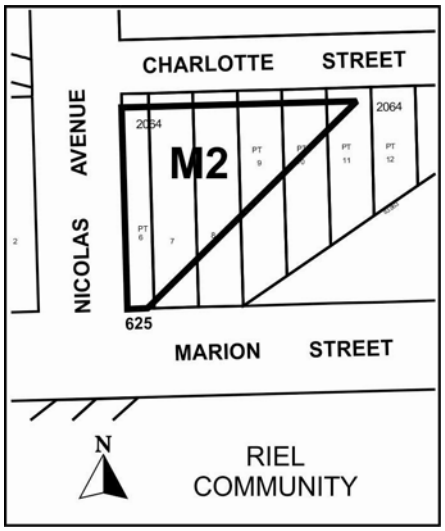
DATE: October 8, 2010
FILE: DAZ 219/10
RELATED FILES: DAV 10-151381/D (c/r)

COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.549

SUBJECT: To rezone the subject property from an "M3" Manufacturing Heavy District to an "M2" Manufacturing General District to allow for the conversion of the existing building on the site to an office use.

LOCATION: 625 Marion Street

LEGAL DESCRIPTION: PT LOTS 6/11 PLAN 2064 RCMP LYING BET E LIMIT OF NICOLAS AV PL 4091 & A STR LINE DRAWN ACROSS SAID LOTS FROM POINT IN S LIMIT OF SAID LOT 6 DIST E THEREON 15F FROM SAID E LIMIT TO NE COR OF SAID LOT 11 EXC OUT OF ABOVE DESC LAND NLY 10F THEREOF



APPLICANT: Marielle Decelles-Brentnall (TelecomOptions)
140 PROVENCHER BLVD
WINNIPEG MB R2H 0G3

OWNER: Joseph E. & Jean M. Martin
625 MARION ST
WINNIPEG MB R2J 0K3

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant would like to covert the existing building on the site into an office.
- Office uses are not permitted in the M3 zone; however, office uses are permitted in the M2 zone. As such, the applicant would like to down-zone the property from M3 to M2 to allow for the establishment of an office use on the land.
- The proposed development is within the Industrial Policy Area of *Plan Winnipeg 2020* and complies with the Plan.
- The Planning and Land Use Division recommends supporting this application because:
    - The proposed rezoning is consistent with the industrial policies of the Industrial Policy Area under *Plan Winnipeg 2020*;
    - The property is located approximately 500 feet (approximately 150 metres) from Archibald Street where there are several existing sites zoned M2 on the east side of Archibald Avenue; and,
    - The proposed office use – and other permitted uses in the M2 zone – along Marion Street can act as a buffer from more intensive manufacturing uses located north of the subject property. The proposed use is also compatible with the land use concepts presented for the Public Markets located south of the subject property, which all included commercial development along Marion Street from the rail line to Dupuy Avenue.

SITE DESCRIPTION

- The subject property is located on the northeast corner of the Nicolas Avenue and Marion Street intersection in the Mission Industrial neighbourhood of the St. Boniface Ward.
- The property is approximately **14,150 square feet in area**.
- The subject property contains a building with a footprint of approximately 5,000 square feet.
- The building fronts onto Nicolas Avenue. Access to the building is from Nicolas Avenue and parking is located at the eastern extent of the site.
- The site is within Plan Winnipeg's Industrial Policy area and is zoned "M3" Manufacturing Heavy.



Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A warehouse zoned “M3” Manufacturing Heavy.

South: Vacant land (the former Union Stock Yards) zoned “M3” Manufacturing Heavy.

East: Manufacturing property (Eastman Feeds) zoned “M3” Manufacturing Heavy.

West: A picture frame business and an auto shop zoned “M3” Manufacturing Heavy.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to convert the existing building on the site into office space for the applicant's business (Telecom Options Inc.).
- Telecom Options currently has ten (10) employees. These employees spend approximately 50% of their time away from the office.
- The office will have 4,950 square feet of total floor space.
- Staff parking will be located along the eastern extent of the site. There will be eight (8) parking stalls for staff on an asphalt parking area.
- The applicant has submitted a variance application for the maintenance of a gravel parking area (i.e. the gravel parking area currently exists). The gravel parking area will be located north of the paved parking area and will be used for overflow parking. A total of six (6) parking stalls will be located in the overflow parking area.
- The applicant has also applied for a variance to allow for a temporary change of use not to exceed five (5) years, to enable the renovation of the building prior to Council approving the rezoning of the lot.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Industrial Policy Area of *Plan Winnipeg 2020* and complies with the Plan.

ZONING

"M3" Manufacturing Heavy

- The M3 zone is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties. The minimum front yard requirement is 25 feet, and maximum building height is 150 feet.

"M2" Manufacturing General

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

LAND USE BY-LAW

Rezoning

- The applicant would like to covert the existing building on the site into an office. Office uses are not permitted in the M3 zone; however, office uses are permitted in the M2 zone.

Variances

- Section 247(4) of the City of Winnipeg Charter Act allows for the approval of use variances as long as the use is temporary and does not exceed a period of more than five (5) years. Granting a use variance at Community Committee in conjunction with the rezoning application will allow for the legal establishment of the use to proceed immediately, prior to Council approval of the rezoning application.
- Section 171 (4)(b) of Zoning By-Law 200/2006 requires owners of all uses other than single and two-family dwellings to surface parking areas and driveways with asphalt, concrete, paving stones, or other surfaces approved by the City. The applicant is proposing to keep the existing gravel surface overflow parking area, therefore a variance is required.
- Yard variances are not required for the existing non-conforming structure as the yard requirements for the M2 and M3 zones are the same.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to down-zone the property from M3 to M2 to allow for the establishment of an office use on the land.

- The property is located approximately 500 feet (approximately 150 metres) from Archibald Street where there are several existing sites zoned M2 on the east side of Archibald Avenue.
- The subject property is predominantly surrounded by other M3 uses.
- Although there are many similarities between the types of principal uses permitted or conditional in the M2 and M3 zones, there are significantly more uses that are either permitted or conditional within the M2 zone that are not permitted in the M3 zone. These uses that are permitted or conditional in the M2 zone tend to be more commercial or institutional in nature. Heavier or more intensive manufacturing uses tend to be mainly permitted in the M3 zone. The following table provides an overview of the different uses permitted or conditional in the M2 and M3 zones. If a use is not listed in the table, it means that the use is treated the same way in both the M2 and M3 zoning districts.

Use	M2	M3	Use Specific Standard
Community/Recreation Centre	P		
Jail/Detention Centre	C	P	
Commercial School	P		
Day Care Centre	P*		70
Place of Worship	P		
Gallery/Museum	P		
Amusement Enterprise, Indoor	P		
Sports or Entertainment Arena/Stadium, Indoor	C		
Studio, Radio/TV/Motion Picture Broadcast & Production	P		
Amusement Enterprise, Outdoor	P		
Hotel or Motel	C		
Drinking Establishment	P*		84
Restaurant	P		
Call Centre	P		
Office	P		
Funeral Chapel or Mortuary	P		
Medical/Dental/Optical/Counselling Clinic	P		
Landscape or Garden Supplies	P		
Pawnshop	C*		88
X-Rated Store	C*	P*	93
Auto/Light Truck/Motorcycle, Sales & Rental	P*		95
Drive-In or Drive-Through	P*		96
Railway Yard		P	
Heavy Manufacturing		P	
Mining and Extraction		P	
Grain Elevator	C	P	
Garbage Incineration and Reduction		P	

Landfill/Snow Dump			
Recycling Plant	P*	P	103
Waste Transfer Station		P	
Wrecking and Salvage Yard		P*	104

- The proposed office use – and other permitted uses in the M2 zone – along Marion Street can act as a buffer from more intensive manufacturing uses located north of the subject property. The proposed use is also compatible with the land use concepts presented for the Public Markets located south of the subject property, which all included commercial development along Marion Street from the rail line to Dupuy Avenue (see *Public Markets Land Use Plan* in the Minutes of the Standing Policy Committee on Property and Development, November 2, 2004).
- The office use and other uses permitted in the M2 zone are generally compatible with the uses permitted in the M3.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Although this application is technically a down-zoning, there are more uses permitted in the M2 zone than in the M3 zone. As a result, the rezoning of the subject property to M2 could increase the value of the land.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- The proposed rezoning is consistent with the industrial policies of the Industrial Policy Area under *Plan Winnipeg 2020*.
- The property is located approximately 500 feet (approximately 150 metres) from Archibald Street where there are several existing sites zoned M2 on the east side of Archibald Avenue.
- The proposed office use – and other permitted uses in the M2 zone – along Marion Street can act as a buffer from more intensive manufacturing uses located north of the subject property. The proposed use is also compatible with the land use concepts presented for the Public Markets located south of the subject property, which all included commercial development along Marion Street from the rail line to Dupuy Avenue.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Robert Kostiuk
PPD File # DAZ 219/10

Schedule "A" for File No. DAZ 219/2010, Riel Community Committee, dated October 8, 2010.

By-Law No. _____

File No. **DAZ 219/10**

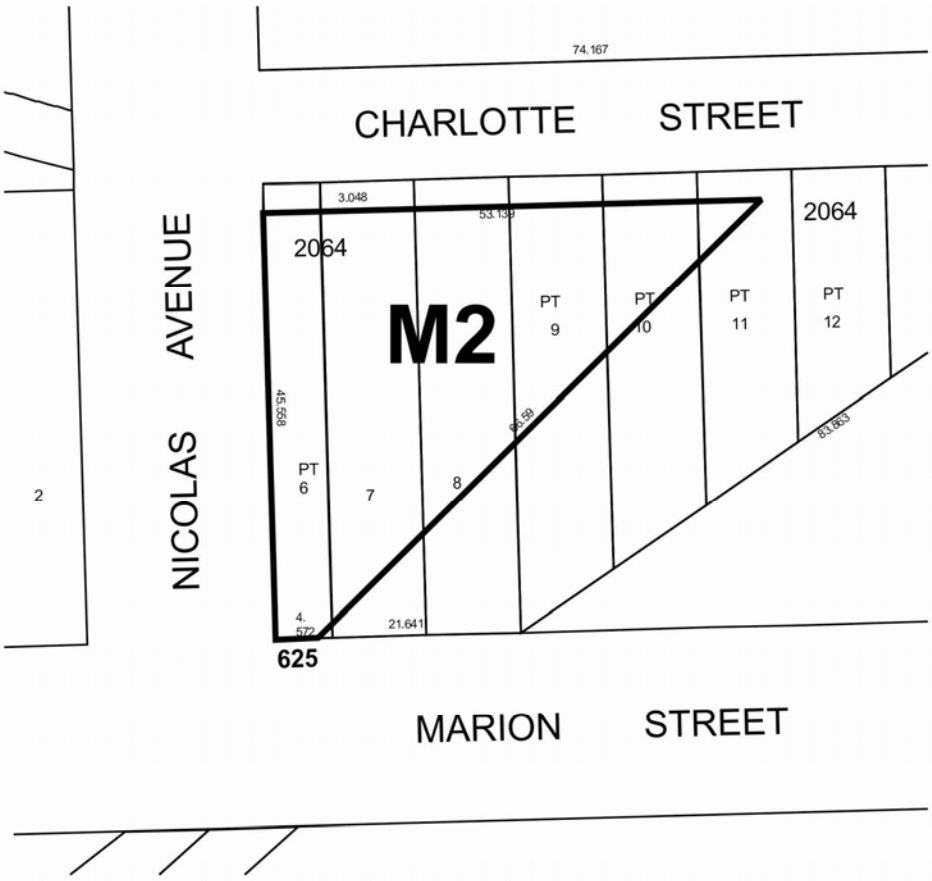
Atlas Sheet No.

N

AB28
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 625 Marion Street from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for an office use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____