Agenda – Council – September 27, 2012

Report – Standing Policy Committee on Property and Development – September 11, 2012

Item No. 6 Rezoning – 630 Kernaghan Avenue
(Transcona Ward)
File DAZ 218/2012 [c/r DAV 130339/2012D]

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, 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 218/2012 dated July 10, 2012, to an "M1" Manufacturing Light 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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward 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.

6. That any site, elevation and signage plans be submitted to the East Kildonan-Transcona Community Committee for approval.

7. That mobile signs be prohibited on the subject property

Report – Standing Policy Committee on Property and Development – September 11, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 11, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service in with the following amendments:

- Add the following new conditions:

    "6. That any site, elevation and signage plans be submitted to the East Kildonan-Transcona Community Committee for approval.

    7. That mobile signs be prohibited on the subject property,"

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

RE: **Rezoning – 630 Kernaghan Avenue -**
File DAZ 218/2012

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 17, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2012, the East Kildonan-Transcona 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 218/2012 dated July 10, 2012, to an "M1" Manufacturing Light 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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward 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.

6. That any site, elevation and signage plans be submitted to the East Kildonan-Transcona Community Committee for approval.

7. That mobile signs be prohibited on the subject property.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is for an industrial use is not something which is available.
2. The property is being rezoned to light manufacturing.
3. The proposal is consistent with the Transcona Yards Area Structure Plan to encourage down zoning where possible.

PUBLIC HEARING SUMMARY

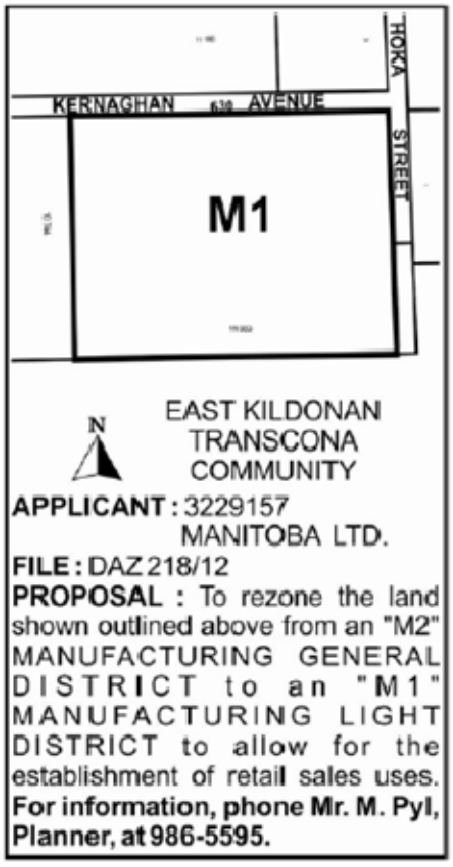
File: DAZ 218/2012

Before: East Kildonan-Transcona Community Committee
Councillor Steen, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: July 17, 2012
Bronx Park Community Centre
720 Henderson Highway

Applicant: 3229157 Manitoba Ltd. (Diane Dawiskiba)

Subject:



Premises Affected: 630 Kernaghan Avenue

Exhibits Filed:
1. Application dated May 14, 2012
2. Notification of Public Hearing dated May 30, 2012
3. Manitoba Status of Title 1382442/1

4. Letter of authorization dated May 10, 2012 from Reginald Kliewer, 3229157 Manitoba Ltd., to Diane Dawiskiba
5. Surveyor's Building Location Certificate and sketch dated August 31, 2005
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated July 10, 2012
8. Inspection Report
9. Presentation and Plan submitted by Diane Dawiskiba at the Public Hearing in support of the application
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Diane Dawiskiba, 3229157 Manitoba Ltd.

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 218/2012

ADMINISTRATIVE REPORT

Title: DAZ 218/12 – 630 Kernaghan Av

Issue: For consideration at the public hearing to rezone to allow for the establishment of retail sales uses

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

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 218/2012 dated July 10, 2012, to an "M1" Manufacturing Light 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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward 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 intends to establish commercial retail units in the existing Palliser Furniture building. A conceptual site plan submitted at the time of application shows these units to be located along the north and east sides of the building.

- Palliser anticipates it will be able to accommodate approximately 12 commercial retail units on site. However, the actual number will be determined by market interest and space requirement. A unit will be between 2,000 and 8,000 sq. ft. in area.
- The applicant has proposed to rezone the subject property from “M2” Manufacturing General district to “M1” Manufacturing Light district to allow for this.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

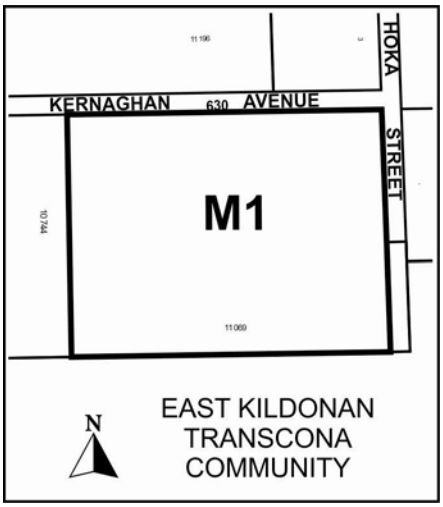
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	July 10, 2012
File No.	DAZ 218/12

APPENDIX 'A'

DATE: July 10, 2012
FILE: DAZ 218/12
RELATED FILES: DAV 12-130339D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.431

SUBJECT: To rezone the subject property from "M2" Manufacturing General district to "M1" Manufacturing Light district to allow for the establishment of retail sales uses

LOCATION: 630 Kernaghan



APPLICANT: Diane Dawiskiba
3229157 Manitoba Ltd
70 Lexington Park
Winnipeg MB R2G 4H2

OWNER: Same

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to establish commercial retail units in the existing Palliser Furniture building. A conceptual site plan submitted at the time of application shows these units to be located along the north and east sides of the building.
- Palliser anticipates it will be able to accommodate approximately 12 commercial retail units on site. However, the actual number will be determined by market interest and space requirement. A unit will be between 2,000 and 8,000 sq. ft. in area.
- The applicant has proposed to rezone the subject property from "M2" Manufacturing General district to "M1" Manufacturing Light district to allow for this.

SITE DESCRIPTION

- The subject property is located at the southwest corner of Kernaghan Av and Hoka St in the Transcona Yards neighbourhood of the Transcona ward.
- The subject property is 20.2 acres in area. It is currently zoned “M2” Manufacturing General district and is occupied by the Palliser Furniture Distribution Centre. This building has 463,149 sq. ft. of floor area and is currently used as for warehousing, light manufacturing, and office uses.
- Adjacent properties include industrial properties on all sides zoned “M2” and “M3” Manufacturing Heavy districts.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to establish commercial retail units in the existing Palliser Furniture building. A conceptual site plan submitted at the time of application shows these units to be located along the north and east sides of the building.

- Palliser anticipates it will be able to accommodate approximately 12 commercial retail units on site. However, the actual number will be determined by market interest and space requirement. A unit will be between 2,000 and 8,000 sq. ft. in area.
- At the time of application, no tenants have been signed up. Prospective tenants would likely warehouse/manufacture in the back of the building with retail up front.
- The existing building was previously used as a distribution centre, but those operations were moved to Palliser's other site in North Kildonan about five years ago. Palliser currently operates a factory outlet on the premises. This is allowed to operate under the existing "M2" zoning as it is considered an accessory use. Palliser also rents out the building to other tenants, such as Buhler Furniture and Kalora Carpets.

BACKGROUND

DAV 12-130339D

- In concurrence with this application, the applicant has also applied for a variance to permit the establishment of a retail sales use for a period not to exceed five years.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- The subject property is classified as "General Manufacturing" in the Employment Lands section of Complete Communities. Areas of General Manufacturing allow for light to general industrial uses as well as office, associated and supportive retail, supportive personal service, warehouse and limited outdoor storage uses.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Consider the quality of lands required to support employment growth and encourage a suitable range and mix of features and uses that will best match the emerging needs of Winnipeg's current and future employers.
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.

Transcona Yards Industrial Neighbourhood Area Redevelopment Plan

- The subject property falls within the boundaries of the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan. The overall goals of this plan are as follows:
    - To allow existing industrial operations to continue.
    - To mitigate impacts of future developments on adjacent residential areas by implementing design standards and controls around the periphery of the Plan Area.
    - To encourage orderly development of the Plan Area.
    - To protect the contribution to the economic base for the City of Winnipeg, that is provided for by industrial operations in the Plan Area.
    - To respect the integrity of existing and future residential uses surrounding the Plan Area.

- The subject property falls within Area B (Industrial Park) of the plan. The intent of this area is to maintain it as an industrial park in keeping with City of Winnipeg Industrial Park standards, and to minimize future potential conflicts with adjacent residential lands. Policies include:
    - Light industrial, commercial, institutional, and/or office uses shall be encouraged to be developed as opportunities arise.
    - All development (buildings, parking, etc.) within 150 metres (492 ft.) of Pandora Av shall be developed in accordance with Development Standards as outlined in Section 5.0 of the plan (note: the subject property is located approximately 240 metres from Pandora).
    - No building on property adjacent to Pandora Avenue shall be remodeled, erected, or enlarged except in accordance with plans submitted and approved by the Director of Planning, Property, and Development.
    - The City shall pursue the improvement of the aesthetic treatment of the Pandora frontage as opportunities arise.

Zoning

- The Manufacturing Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.
- The Manufacturing General (M2) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

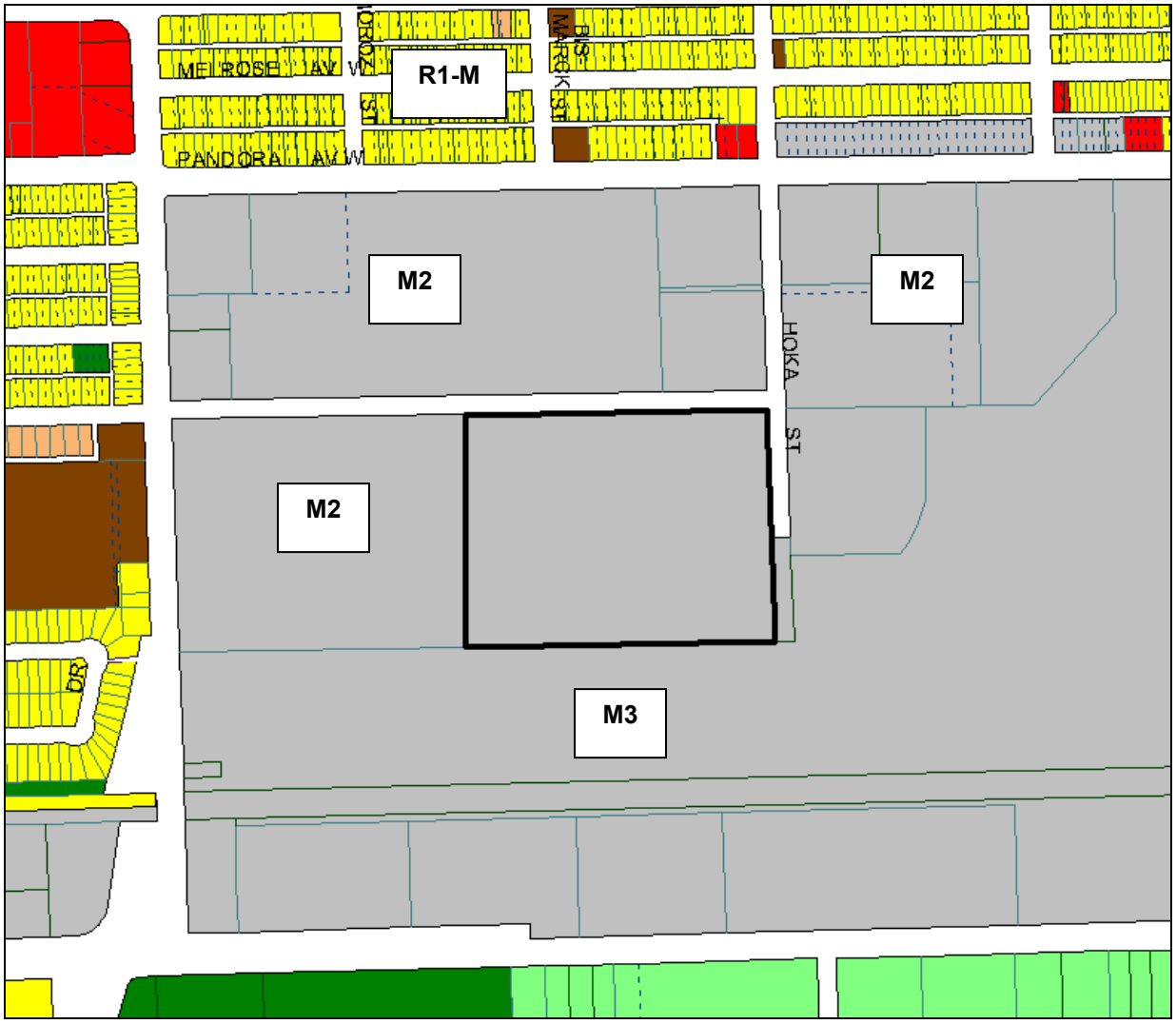


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional uses in each zoning district. In the “M1” district, a “retail sales” use is permitted, subject to use specific standards as prescribed in Section 90:
    - In the M1 zoning district, a retail sales use is limited to a maximum of 40,000 sq. ft. of gross floor area.
- A “retail sales” use is not permitted in the “M2” district.
- Section 152 of the zoning by-law prescribes the following dimensional standards for the “M2” and “M1” districts:

	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.) **	Min. Corner Side Yard (ft.)	Max. Height of Bldg. (ft.)	Max. FAR
M2	NA	NA	25	0	0	15	100	2.0

M1	NA	NA	25	0	0	15	50	2.0

Figure 3: Dimensional standards for the "M2" and "M1" districts

Land use by-law issues

- As per Section 247(4) of the City of Winnipeg Charter, a use variance cannot be approved for more than five years and cannot be re-extended.
- The applicant has applied for a use variance in concurrence with this rezoning application to allow them to establish the retail sales use as the DAZ approval is finalized.

Compatibility with the surrounding neighbourhood

- The intent of the Transcona Yards plan is to provide for the continued viability of industrial operations while ensuring compatibility with the surrounding neighbourhood. One strategy it employs to advance this intent is to surround the heaviest industry in the interior of the yards with light industrial and commercial operations.
- Given that the subject property lies on the outside of the Yards, the plan designates it as an area for light industrial, commercial, institutional, and/or office uses.
- As a result, the proposed development is compatible with the surrounding neighbourhood.

RECOMMENDATION

The Urban Planning Division is supportive of the proposed rezoning, as an "M1" zoning district is in face more compatible with the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan than the current "M2" zoning. The plan calls for lighter industrial and commercial uses along the exterior of the Transcona Yards to buffer heavier industrial uses in the middle; this area is specifically designated as Area B, which explicitly encourages these types of uses.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 218/2012

APPENDIX 'B'

Schedule "A" for File No. DAZ 218/12, East Kildonan-Transcona Community Committee, dated July 10, 2012.

By-Law No. _____

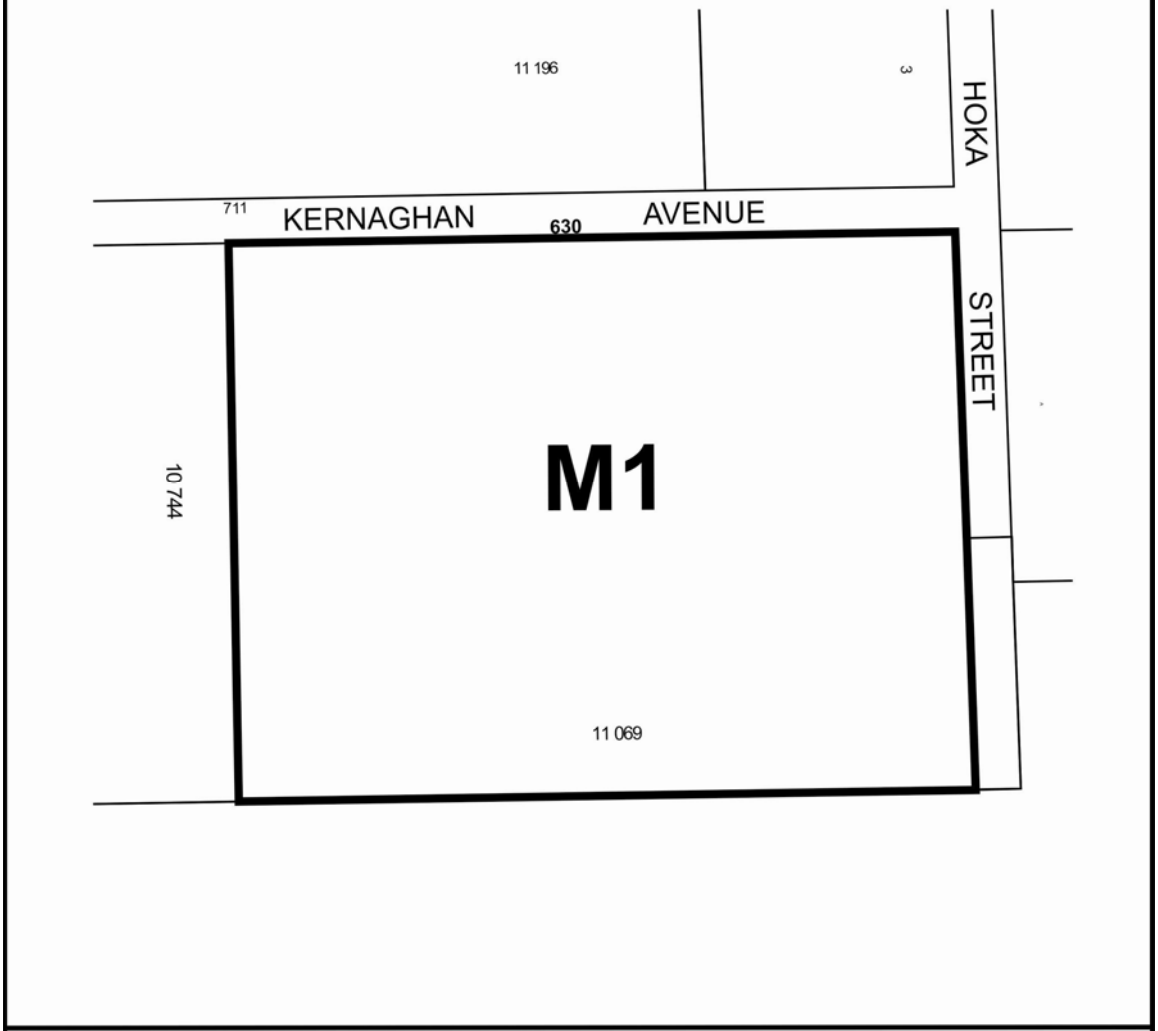
File No. **DAZ 218/12**

Atlas Sheet No. **AA33**
EAST KILDONAN TRANSCONA COMMUNITY

N

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at Kernaghan Avenue from an "M2" MANUFACTURING GENERAL DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT to allow for the establishment of retail sales uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____