Minutes – Executive Policy Committee – July 10, 2013

REPORTS

Minute No. 367 Rezoning – 237 Lowson Crescent
(Charleswood-Tuxedo Ward)
File DAZ 218/2013 [c/r DAV 130702/2013D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted 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 218/2013 dated June 17, 2013 to an "M2" Manufacturing General District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any new building or structure and parking area, plans shall be submitted showing the location and design of proposed cycling lock-up facilities, fencing, garbage enclosure and landscaping of the site to Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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 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.

DECISION MAKING HISTORY:

Moved by Deputy Mayor Wyatt,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Fielding,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, 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 – 237 Lowson Crescent**
File DAZ 218/2013

For submission to: **Executive Policy Committee**

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

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended 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 218/2013 dated June 17, 2013 to an "M2" Manufacturing General District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

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4. That the Director of Legal Services and City Solicitor 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 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 Urban Planning Division dated June 17, 2013.

PUBLIC HEARING SUMMARY

File: DAZ 218/2013

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

Public Hearing: July 9, 2013
Council Building, 510 Main Street

Applicant: Crossfit Roborean
(Steven Bartlett)

Subject:



Premises Affected: 237 Lowson Crescent

Exhibits Filed:
1. Application dated May 21, 2013
2. Notification of Public Hearing dated May 27, 2013

3. Manitoba Status of Title 2211399/1
4. Letter of authorization dated April 15, 2013 from Wayne Hanks to Steven Bartlett
5. Surveyor's Building Location Certificate and sketch dated April 18, 2013
6. Variance Order DAV 143933/2006C
7. Plan (1 page)
8. Report from the Urban Planning Division dated June 17, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Steven Bartlett
Wayne Hanks
Justin Webber
Lisa Widmer

In Opposition:

Nil

For Information:

Cyndy Erickson

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department

Exhibit “8” referred to in File DAZ 218/2013

ADMINISTRATIVE REPORT

Title: DAZ 218/13 – 237 Lowson Crescent

Issue: An application for consideration at the public hearing to rezone the property from an “M3” Manufacturing Heavy District to an “M2” Manufacturing General District to allow for the establishment of an amusement enterprise, indoor use

Critical Path: Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	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 218/2013 dated June 17, 2013 to an “M2” Manufacturing General District, subject to the following conditions:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions;

      i. That for the development of any new building or structure and parking area, plans shall be submitted showing the location and design of proposed cycling lock-up facilities, fencing, garbage enclosure and landscaping of the site to Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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 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 is proposing to rezone the property from an "M3" Manufacturing Heavy District to an "M2" Manufacturing General District to allow for the establishment of an amusement enterprise, indoor use.
- The associated application, DAV 13-130702 is requesting a reduction in the required parking as well as a 5 year temporary use for the proposed amusement enterprise, indoor use.
- 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 Urban Planning Division are concurred in, the land will be rezoned from "M3" Manufacturing Heavy District to "M2" Manufacturing General District.

HISTORY

- **September 8, 2006** – The subject lot was created through a short form subdivision application, (DASSF 554/2006). The site also received variances, (DAV 06-143933/C) to allow no corner side yard to a loading zoned instead of 15 feet and an accessory parking area with a 5 foot front yard instead of 25 feet.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	James Veitch
Date:	June 17, 2013
File No.	DAZ 218/13

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 218/13

APPENDIX 'A'

DATE: June 17, 2013

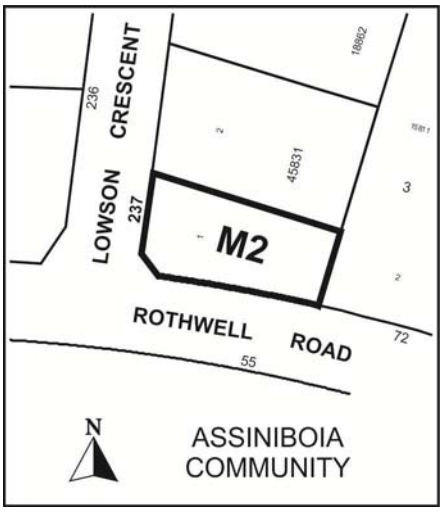
FILE: **DAZ 218/13**
RELATED FILES: DAV 13 – 130702/D

COMMUNITY: Assiniboine
NEIGHBOURHOOD #: 2.668

SUBJECT: To rezone the subject land from "M3" Manufacturing Heavy to "M2" Manufacturing General.

LOCATION: 237, Lowson Crescent

LEGAL DESCRIPTION: LOTS 1, PLAN 45831 61/62 ST OTM



APPLICANT: Steven Bartlett (Crossfit Roborean)
165-340 Waterfront Drive
WINNIPEG MB R3B 0M5

OWNER: 3868606 Manitoba Ltd.
237 Lowson Crescent
WINNIPEG MB R3P 1A6

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located at the north-east corner of Rothwell Road, and Lowson Crescent intersection in the Tuxedo-Industrial neighbourhood of the Charleswood-Tuxedo Ward.
- The existing building is 4,000 square foot along with a 1,849 square foot outdoor storage area at the rear of the building.
- Under the *Complete Communities Direction Strategy*, the subject site is located within the General Manufacturing District. The property is zoned “M3” Manufacturing Heavy District.

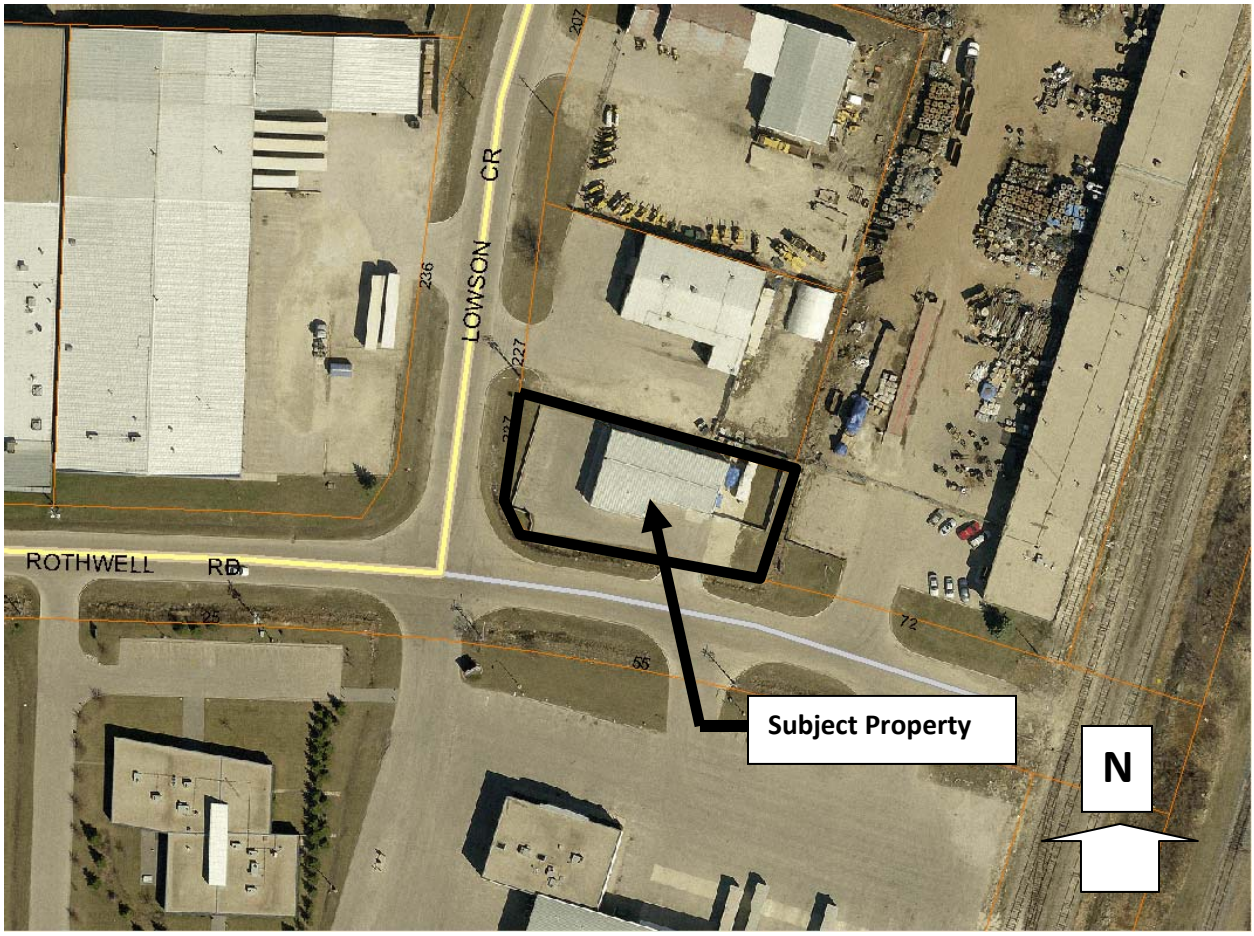


Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: General Manufacturing zoned “M3” Manufacturing Heavy.

South: Rothwell Road then General Manufacturing zoned “M3” Manufacturing Heavy.

East: General Manufacturing zoned “M3” Manufacturing Heavy.

West: Lowson Crescent then General Manufacturing zoned “M3” Manufacturing Heavy.

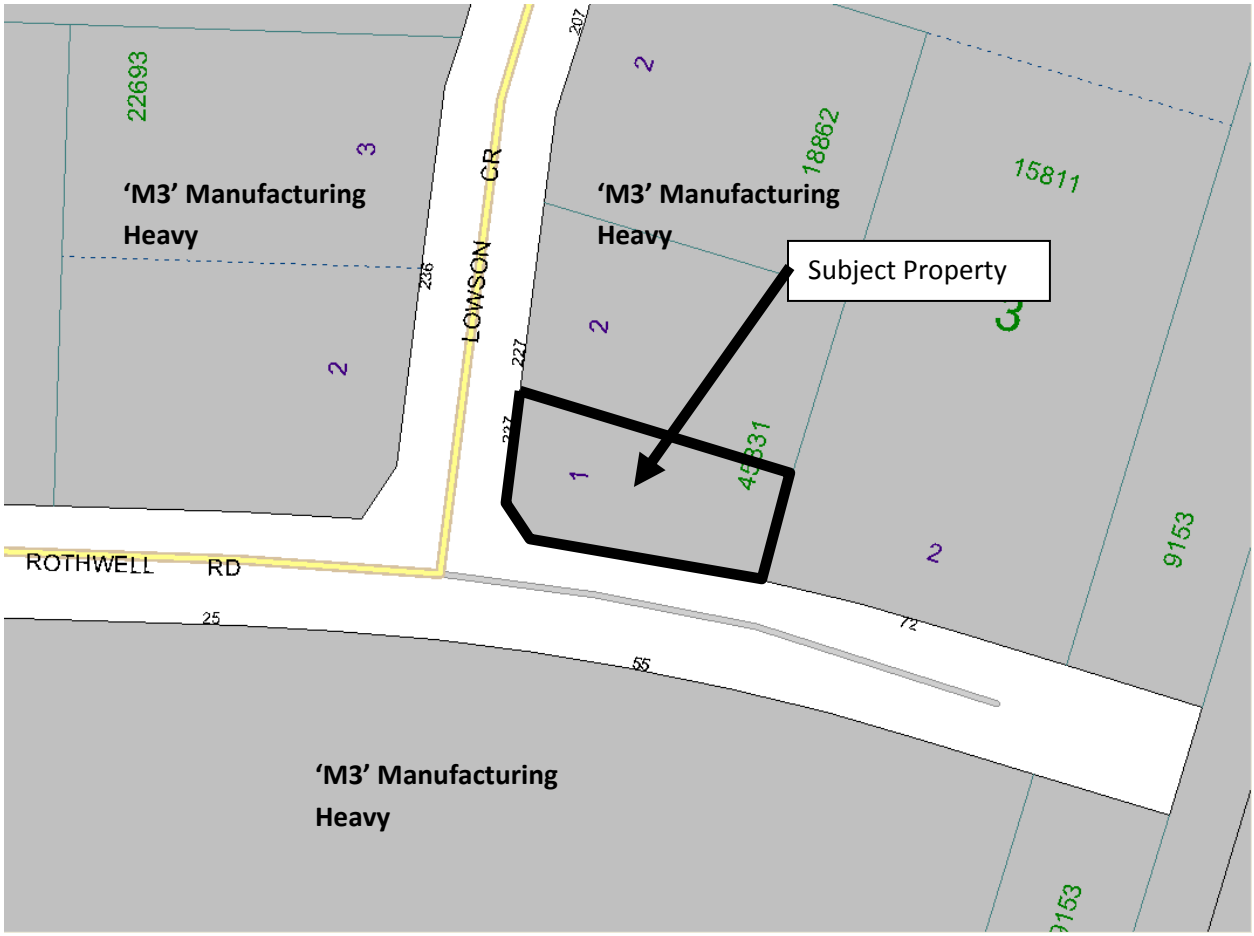


Figure 2: Zoning of the surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from "M3" Manufacturing Heavy to "M2" General Manufacturing in order to establish a Crossfit Gym on the property.
- Existing rooms in the office section of the building will continue to serve as an office, sitting area, change room for men/women and a warm up room.
- Minor renovations inside the existing building are proposed, the bathrooms will be used as they are. Also, non-permanent structure called 'Infinity Rig' will be set up on the right side of the space.
- An associated Variance application, (DAV 13-130702/D) has also been applied for which will allow a reduction in the required parking as well as a Use Variance that will allow the amusement enterprise, indoor use to be established at a faster pace than the rezoning process. Eventually the rezoning will catch-up prior to the expiry of the 5 year use variance.

ANALYSIS AND ISSUES

A. Policies:

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Employment Land – Manufacturing Specific policy area. With regard to this proposal, the key policies guiding this area include:
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.
    - Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from ‘M3’ to ‘M2’ to accommodate the establishment of a Fitness Centre which falls under Amusement enterprise. Amusement enterprise are not permitted in the ‘M3’ zones, but are permitted in the ‘M2’ zone.
- 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.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located in General Employment Land – Manufacturing Specific. General policies guiding development in this area encourages growth, suitable range of mix-features and uses that will best match the emerging needs of Winnipeg’s current and future employers.
- The subject site is large enough to accommodate the proposed use.
- The Fitness Centre may also provide an important personal service component to many of the employees of the surrounding businesses.
- A similar rezoning proposal was applied for and granted at 91 Lowson Crescent, north of the subject site to allow the establishment of a hockey training facility within this industrial context.

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.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** with conditions 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared By: James Veitch
PPD File # DAZ 218/13

Schedule "A" for File No. DAZ 218/2013, Assiniboia Community Committee, dated June 17, 2013

By-Law No. _____

File No. **DAZ 218/13**

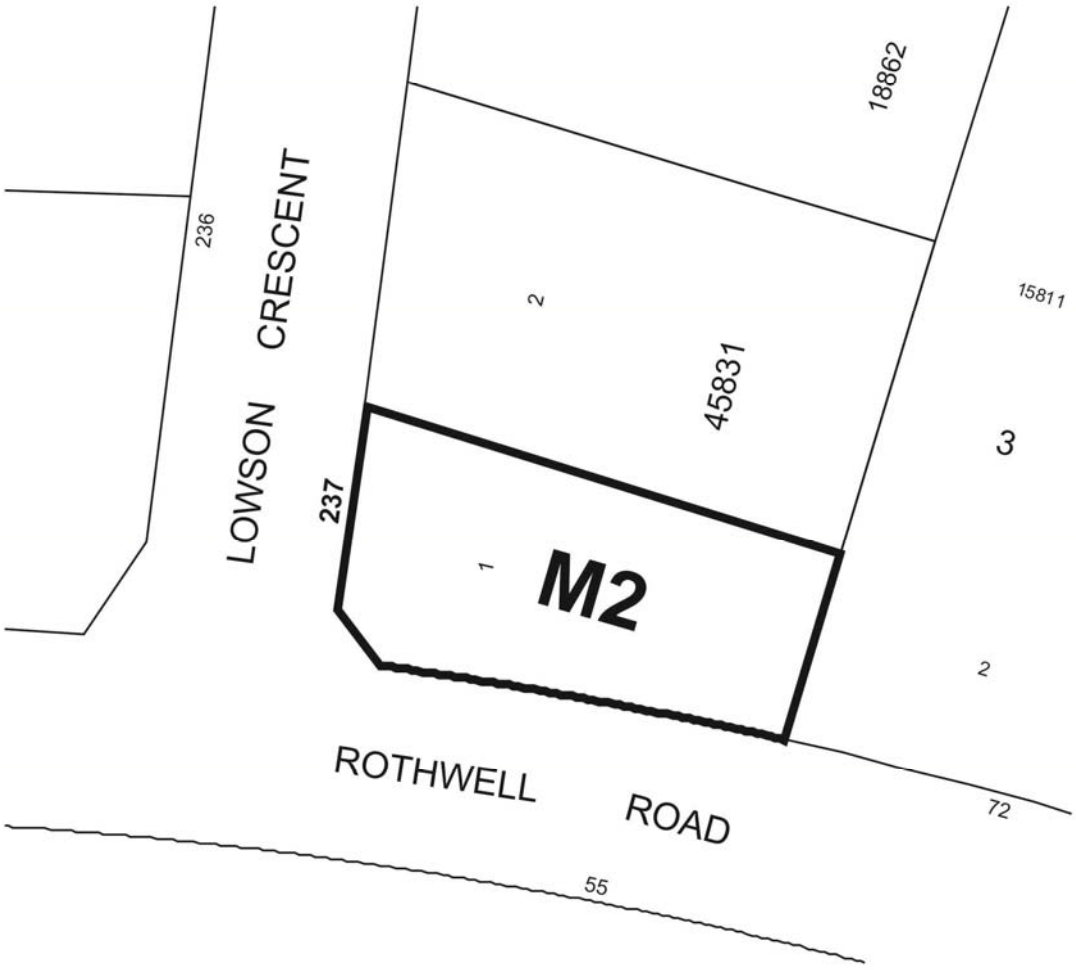
Atlas Sheet No.

N

AG20 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 237 Lowson Crescent from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to facilitate the establishment of an amusement enterprise indoor use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____