**Agenda – Council – July 17, 2013**

**Report – Executive Policy Committee – July 10, 2013**

**Item No. 6 Rezoning – 1016 Marion Street**
**(St. Boniface Ward)**
**File DAZ 214/2013 [c/r DAV 128794/2013D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Riel 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 214/2013 dated June 27, 2013 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 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.

**Report – Executive Policy Committee – July 10, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2013, the Riel 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 – 1016 Marion Street**
**File DAZ 214/2013 [c/r DAV 128794/2013D]**

**For submission to:** **Executive Policy Committee**

**Prepared by:** **Rochelle Viray, Clerk**
**Riel Community Committee**

**Report date:** **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2013, the Riel 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 214/2013 dated June 27, 2013 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.

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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 Riel Community Committee provided the following supporting reason for its recommendation:

1. It is an addition to a gymnastics club on Marion Street, which is a positive development in the area.

## PUBLIC HEARING SUMMARY

File: DAZ 214/2013

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: July 8, 2013
Council Building, 510 Main Street

Applicant: Langreen (2005) Ltd. (Greg Penner)

Subject:



Premises Affected: 1016 Marion Street

Exhibits Filed:

1. Application dated May 9, 2013
2. Notification of Public Hearing dated May 29, 2013
3. Manitoba Status of Title 1208661/1
4. Letter of authorization dated April 16, 2013 from Panthers Gymnastics to Langreen (2005) Ltd.
5. Surveyor's Building Location Certificate and sketch dated June 22, 1978
6. Plans (7 pages)
7. Report from the Planning and Land Use Division dated June 27, 2013
8. Inspection Report

REPRESENTATIONS:

In Support:

Greg Penner
Robert Persechino

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property & Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 214/2013

# ADMINISTRATIVE REPORT

**Title:** DAZ 214/2013 – 1016 Marion Street Public Hearing

**Issue:** An application for consideration at the Public Hearing for a rezoning from M3 to M2 in order to facilitate the expansion of an existing indoor amusement enterprise (gymnastics studio) 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 |
|---|---|---|---|
| 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 214/2013 dated June 27, 2013 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 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 site from M3 to M2 in order to expand the existing indoor amusement enterprise (gymnastic studio) use that is located on the site by 3,600 square feet.

- 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 to M2.

## HISTORY

- N/A

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared By: | Robert Kostiuk, MCIP |
| Date: | June 27, 2013 |
| File No. | DAZ 214/2013 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 214/2013

**APPENDIX 'A'**

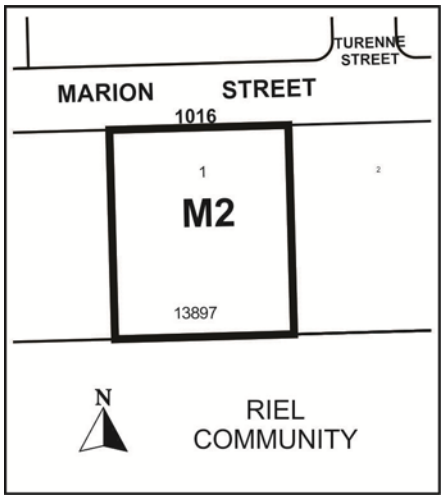
**DATE:** June 27, 2013

**FILE:** DAZ 214/2013
**RELATED FILES:** DAV 13-128794/D (c/r)

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.539

**SUBJECT:** To rezone the subject land from M3 to M2 in order to facilitate the expansion of an existing indoor amusement enterprise (gymnastics studio) use.

**LOCATION:** 1016 Marion ST
**LEGAL DESCRIPTION:** LOT 1 PLAN 13897 RCMP




**APPLICANT:** Greg Penner Langreen (2005) Ltd.
131 BURNETT AVE
WINNIPEG MB R2G 1C2

**OWNER:** PANTHERS GYMNASTICS (1982) INC
1016 MARION ST
WINNIPEG MB R2J 0K8

**RECOMMENDATION:** Approval

**SITE DESCRIPTION**

- The subject property is located on the south side of Marion Street between Turenne Street and Dawson Road North in the Stock Yards neighbourhood of the St. Boniface Ward.
- The lot is **39,960 square feet in area** and contains a two storey, 9,600 square foot metal building that is used an indoor amusement enterprise (gymnastics studio).
- The property is located within the Employment Lands – General Manufacturing policy area under the Complete Communities Direction Strategy and is zoned “M3” Manufacturing Heavy.




**Figure 1: Aerial photograph of subject property and surrounding area (2012)**

**SURROUNDING LAND USES & ZONING (See Figure 2)**

**North:** Manufacturing properties zoned M3.

**South:** Manufacturing properties zoned M3.

**East:** Manufacturing properties zoned M3.

**West:** Manufacturing properties zoned M3.

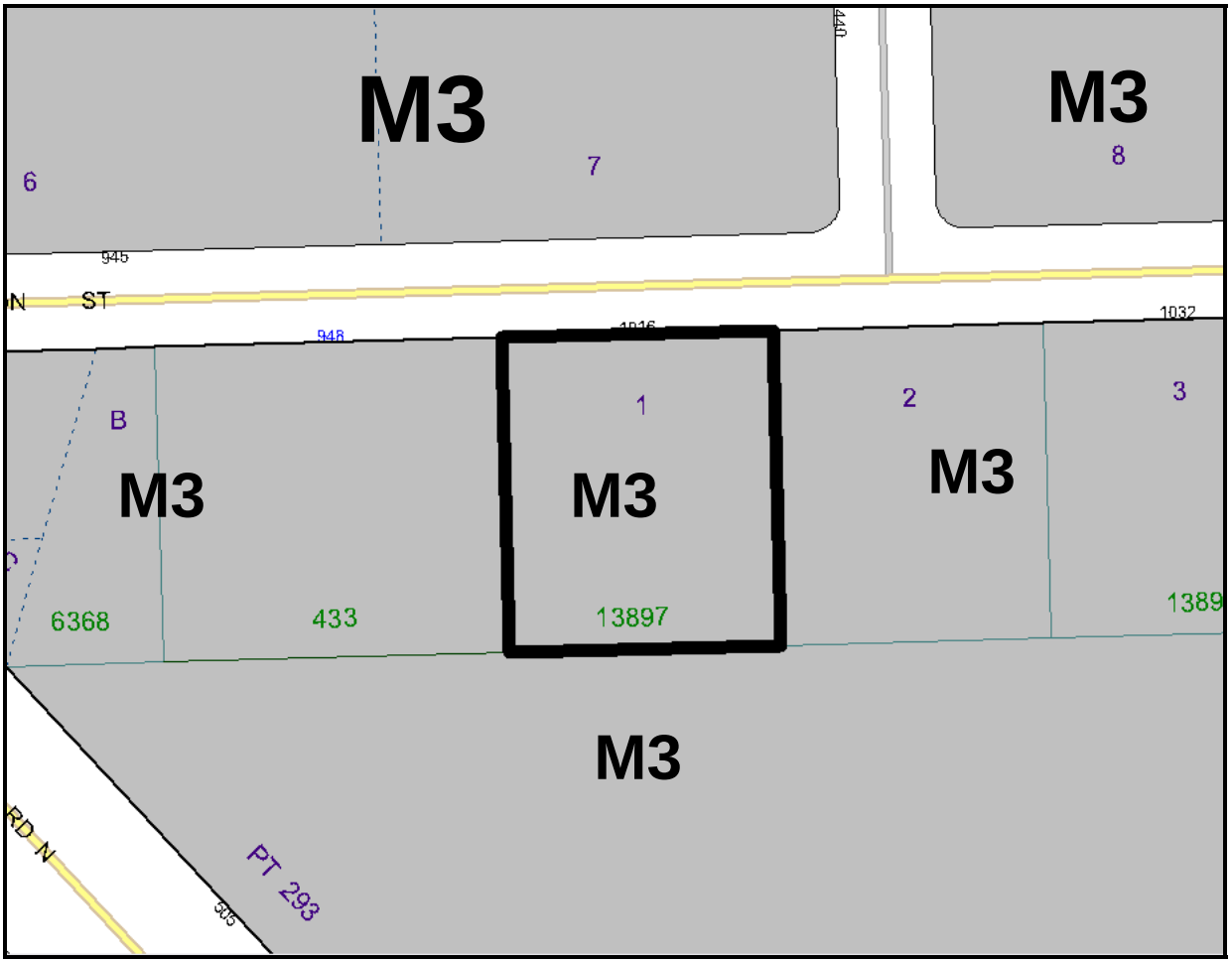



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from M3 to M2 in order to expand the existing indoor amusement enterprise (gymnastic studio) use that is located on the site by 3,600 square feet.
- The proposed addition will be located to the rear (south) of the existing building.
- An associated variance application (DAV 13-128794/D) is requested for reduced parking on the site.

## ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Employment Lands – General Manufacturing policy area. Rezoning to M2 is consistent with the policies of the General Manufacturing Area.

ZONING

*"M3" Manufacturing Heavy District*

- The M3 district 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. There is a minimum front yard of 25 feet; and maximum building height of 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 is proposing to rezone the land from M3 to M2 to accommodate the expansion of an existing indoor amusement enterprise (gymnastic studio) use on the site. Indoor amusement enterprise uses are not permitted in the M3 zone, but are permitted in the M2 zone.

*Variance (See DAV 13-128794/D)*

- The applicant is proposing a total of 61 parking spaces instead of the required 149 spaces.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to down-zone the property from M3 to M2 to allow for the expansion of a gymnastics studio that has been located on the site for over 20 years.
- The subject property is predominantly surrounded by other M3 uses.
- There are other M2 uses within about 500 metres of the subject property, notably on Marion Street near Lagimodiere Boulevard and along Dawson Road North between Dugald Road and Panet Road.
- 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 and are well-suited for locations along regional streets – like Marion – in existing manufacturing areas.
- 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 |

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**

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning of the site to M2 is consistent with the Complete Communities Direction Strategy.
- The proposed rezoning to M2 will not impact the long-term availability for serviced, industrially-zoned land.
- The M2 zoning district is well-suited for locations along regional streets – like Marion – in existing manufacturing areas.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 214/2013

**Schedule "A" for File No. DAZ 214/2013, Riel Community Committee, dated June 27, 2013**

By-Law No. _____

File No. **DAZ 214/13**

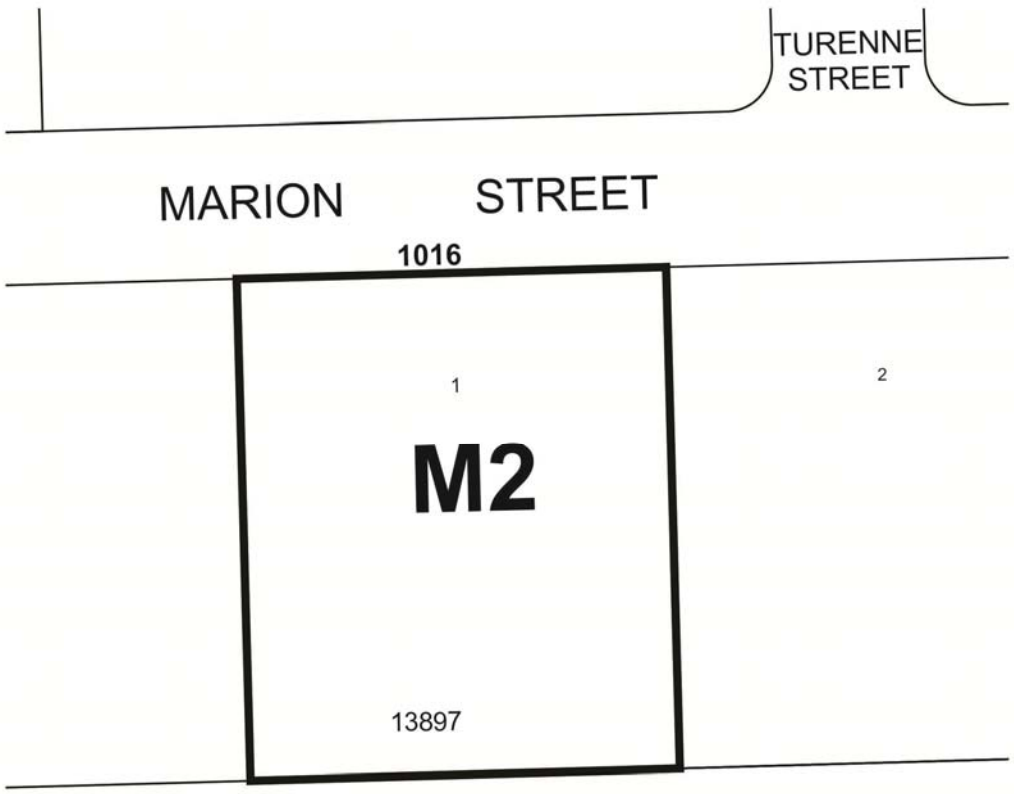
Atlas Sheet No.

N

**AB29**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1016 Marion Street from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the expansion of an existing Indoor Amusement Enterprise facility (Gymnastics Studio) by the construction of an addition as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____