Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 6 Rezoning - 1019 Pacific Avenue
File DAZ 211/2003 [c/r DAV 265/2003D]

STANDING COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2003 attached hereto and dated May 26, 2003, to an "M1" Industrial District.

2. That a ten per cent (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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this 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 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.

Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE:	**Proposed Rezoning - 1019 Pacific Avenue - File DAZ 211/2003 [c/r DAV 265/2003D]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**June 18, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2003 attached hereto and dated May 26, 2003 to an "M-1" Industrial District.

2. That a ten per cent (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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this 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 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.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report from the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File: DAZ 211/2003 [c/r DAV 265/2003D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: June 10, 2003
Community Committee Chamber
1760 Main Street

Applicant: Klaus Fischer
375 Stafford Street
Winnipeg, Manitoba
R3M 2X4

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : KLAUS FISCHER
FILE : DAZ 211/03
PROPOSAL : To rezone the land shown outlined above from an "M3" INDUSTRIAL DISTRICT to an "M1" INDUSTRIAL DISTRICT to allow for an amusement enterprise; indoor (indoor go-cart track). **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 1019 Pacific Avenue

Exhibits Filed:

1. Application dated April 16, 2003
2. Advertising Notice dated April 30, 2003
3. Manitoba Status of Titles 1371418, 1371419 and 1371420
4. Letters of authorization dated April 3, 2003 and April 8, 2003
5. Surveyor's Building Location and Staking Certificate dated April 7, 2003
6. Site Plan
7. Report from the Acting Manager of Planning and Land Use dated May 26, 2003
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Klaus Fischer
Peter Trebuschnoj

In Opposition:

Nil

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Klaus Fischer appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Acting Manager of Planning and Land Use.

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 211/03 May 26th, 2003
Our c/f CP 300 (.101)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins :

REZONING
1019 Pacific Ave.
Lord Selkirk – West Kildonan Community Committee
File No. DAZ 211/03

An application has been received from Klaus Fischer, to amend By-Law No. 6400/94 by rezoning the land shown below from a "M-3" Industrial District to a "M-1" Industrial District to permit the establishment of an "amusement enterprise, indoor" for the operation of an indoor go-cart track.

RELATED FILES: DAV 265/03D



SITE DESCRIPTION:

Site Area:

The total overall site area of the subject property is approximately 1.38 acres.

Existing Land Use and Zoning:

The property in question is currently zoned M-3 Industrial, and contains a single story concrete block building of approximately 12,000 square feet in size.

Surrounding Land Use and Zoning:

North: Alexander Ave., with industrial buildings and uses (M-3).
South: Pacific Ave., CPR rail right-of-way, with industrial buildings and uses (M-3 & M-2).
East: CPR rail right-of-way, with industrial buildings and uses (M-3).
West: Industrial buildings and uses (M-3), then McPhillips St.

DEVELOPMENT DESCRIPTION:

The applicant, Klaus Fischer , proposes to rezone the property in question to "M-1" to permit the establishment of an "amusement enterprise, indoor" for the operation of an indoor go-cart track. "Amusement enterprise, indoor" is a use that is not permitted in a "M-3" district; however, it is a permitted use in a "M-1" Industrial district, and a conditional use in a MP-1 Industrial district. The proposed indoor go-cart track and associated facilities are to be located within the existing single story concrete block building, and the applicant proposes to provide approximately 104 parking spaces in a gravel area on-site (see related variance DAV 265/03D).

PLAN WINNIPEG:

The subject property falls within a designated Industrial Policy Area under Plan Winnipeg which allows for the processing of industrial rezoning applications; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The proposed zoning designation of "M-1" Industrial and the proposed use is compatible with the surrounding properties. The Planning & Land Use Division has no issues with the proposed rezoning. The applicant has also made an application for variances related to occupation of the existing structure prior to approval of the rezoning, and to permit a gravel parking area without the required asphalt paving and fencing normally required (see related variance DAV 265/03D. The Planning & Land Use Division does have concerns with permitting a gravel parking area,

and has requested that the applicant be required to construct the mandated asphalt paving and fencing.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 211/03, attached hereto and dated, May 26, 2003, to a "M-1" Industrial District.

II. That a 10 per cent 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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: David Marsh , AICP
Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. DAZ 211/03

Atlas Sheet No. X23

N

LORD SELKIRK
WEST KILDONAN
COMMUNITY

Explanation

A proposed zoning change to By-law 6400/94 by rezoning the land located at 1019 Pacific Avenue from an "M3" INDUSTRIAL DISTRICT to an "M1" INDUSTRIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 211/03, LS/WK Community, dated May 26/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____