**Agenda – Council – September 24, 2014**

**Report – Executive Policy Committee – September 17, 2014**

**Item No. 5 Rezoning – 12 Rothwell Road**
**(Charleswood – Tuxedo Ward)**
**File DAZ 225/2014**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2014, 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 225/2014 dated September 3, 2014 to an "M1" Manufacturing Light District, subject to the following:

    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 building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, lighting, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. A caveat, in favour of the City, being registered against the title of the subject property prohibiting any new buildings, signs, or other permanent structures from being constructed within 18 metres of the existing east property line of Kenaston Boulevard for future right-of-way purposes to accommodate the widening of Kenaston Boulevard.

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.

**Report – Executive Policy Committee – September 17, 2014**

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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 – September 17, 2014**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2014, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2014, 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 – 12 Rothwell Road**
**File DAZ 225/2014**

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

**Prepared by:** **Destiny Watt, Senior Committee Clerk**
**Assiniboia Community Committee**

**Report date:** **September 12, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2014, 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 225/2014 dated September 3, 2014 to an "M1" Manufacturing Light District, subject to the following:

    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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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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(s) for its recommendation:

1. This project is consistent with the neighbouring properties.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAZ 225/2014 |
| Before: | Assiniboia Community Committee<br>Councillor Nordman, Chairperson<br>Councillor Fielding<br>Councillor Havixbeck |
| Public Hearing: | September 9, 2014<br>Council Building, 510 Main Street |
| Applicant: | Richard Wintrup and Associates<br>(John Wintrup) |
| Subject: |  |
| Premises Affected: | 12 Rothwell Road |

Exhibits Filed:

1. Application dated July 14, 2014
2. Notification of Public Hearing dated July 21, 2014
3. Manitoba Status of Title 2706528/1
4. Letter of authorization dated June 13, 2014 from 2548526 Canada Ltd. to Richard Wintrup and Associates
5. Surveyor's Building Location Certificate and sketch dated June 26, 2014, 2014
6. Plan (1 page)
7. Report from the Urban Planning Division dated September 3, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Wintrup, Richard Wintrup and Associates
Michelle Richard

In Opposition

Nil

For Information:

Matt Glavin, Terracon Development Inc.
Madison Richard

For the City:

Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 225/2014

# ADMINISTRATIVE REPORT

**Title:** DAZ 225/2014 – 12 Rothwell Road

**Issue:** An application for consideration at the public hearing to rezone the property from an "M3" Manufacturing Heavy District to "M1" Manufacturing Light District

**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 225/2014 dated September 3, 2014 to an "M1" Manufacturing Light District, subject to the following:

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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 City Solicitor/Manager 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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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.

## REASON FOR THE REPORT

- The applicant is proposing to rezone the property on 12 Rothwell Road from “M3” Manufacturing Heavy District to “M1” Manufacturing Light District in order to repurpose the building for lighter industrial and mixed uses.
- 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 “M1” Manufacturing Light District.

## HISTORY

DAV 907/95C – The Board of Adjustment approved a variance for:

1) Construction of a storage compound and accessory parking area to permit no front yard instead of 7.5 metres/25 feet;
2) The maintenance of an accessory parking area to permit as follows:
    a. No fencing, landscaping or wheel stops;
    b. A gravel surface instead of asphalt as required;
3) To repeal DAV 583/88 condition (a) to permit the 7.5 metre/25 foot front yard to be a gravel surface instead of sod.

Subject to the following conditions:

1) That Part 2) of this Variance Order, with the exception of the required landscaping along the west property line, shall terminate on July 31, 2000.
2) That required landscaping of the accessory parking are shall be varied in perpetuity.
3) That, if any Variances granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance, shall terminate.

## CONSULTATION

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

## SUBMITTED BY

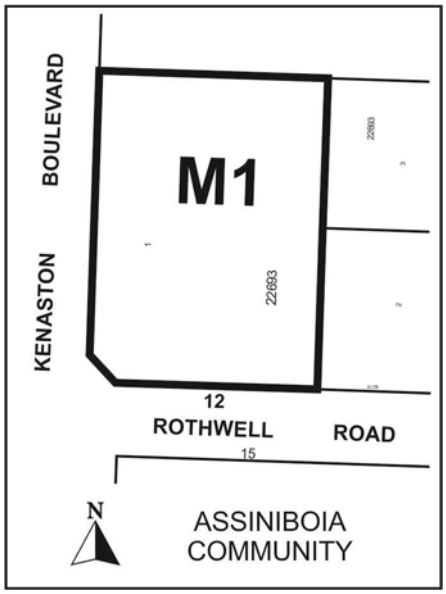
| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Urban Planning* |
| *Prepared by* | Devin Clark |
| *Date:* | September 3, 2014 |
| *File No.* | DAZ 225/2014 |

**APPENDIX 'A'**

**DATE:** September 3, 2014
**FILE:** **DAZ 225/2014**
**RELATED FILES:**
**COMMUNITY:** Assiniboia
**NEIGHBOURHOOD #:** 2.668

**SUBJECT:** To rezone the subject land from an "M3" Manufacturing Heavy District to an "M1" Manufacturing Light District

**LOCATION:** 12 Rothwell Road
**LEGAL DESCRIPTION:** LOT 1 PLAN 22693 62/3 ST B OTM




**APPLICANT:** John Wintrup Richard Wintrup & Associates
29 BENSON BLVD OAK BLUFF
WINNIPEG MB R4G 0A2

**OWNER:** Tom Wilton

**RECOMMENDATION:** Approval with conditions

**REPORT SUMMARY**

- The applicant is proposing to rezone the site from "M3" Manufacturing Heavy District to "M1" Manufacturing Light District in order to repurpose the building for lighter industrial use.
- The Urban Planning Division recommends approval of this application subject to conditions in the zoning agreement.

**SITE DESCRIPTION**

- The subject property is located on the North east corner of Kenaston Blvd and Rothwell Road in the Tuxedo-Industrial neighbourhood of the Charleswood-Tuxedo ward.

- The site is 1.9 acres in size and is currently occupied by a two (2) storey warehouse zoned “M3” Heavy Manufacturing.
- Under the Complete Communities Direction Strategy, the site is located within Employment Lands – Manufacturing Specific policy area.




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

**North:** Manufacturing uses zoned “M3” Manufacturing Heavy.

**South:** Rothwell Road, then manufacturing uses zoned “M2” Manufacturing General

**West:** Kenaston Blvd then a mix of commercial, office and manufacturing uses zoned ‘MMU” Manufacturing Mixed-Use District.

**East:** Manufacturing uses zoned “M3” Manufacturing Heavy

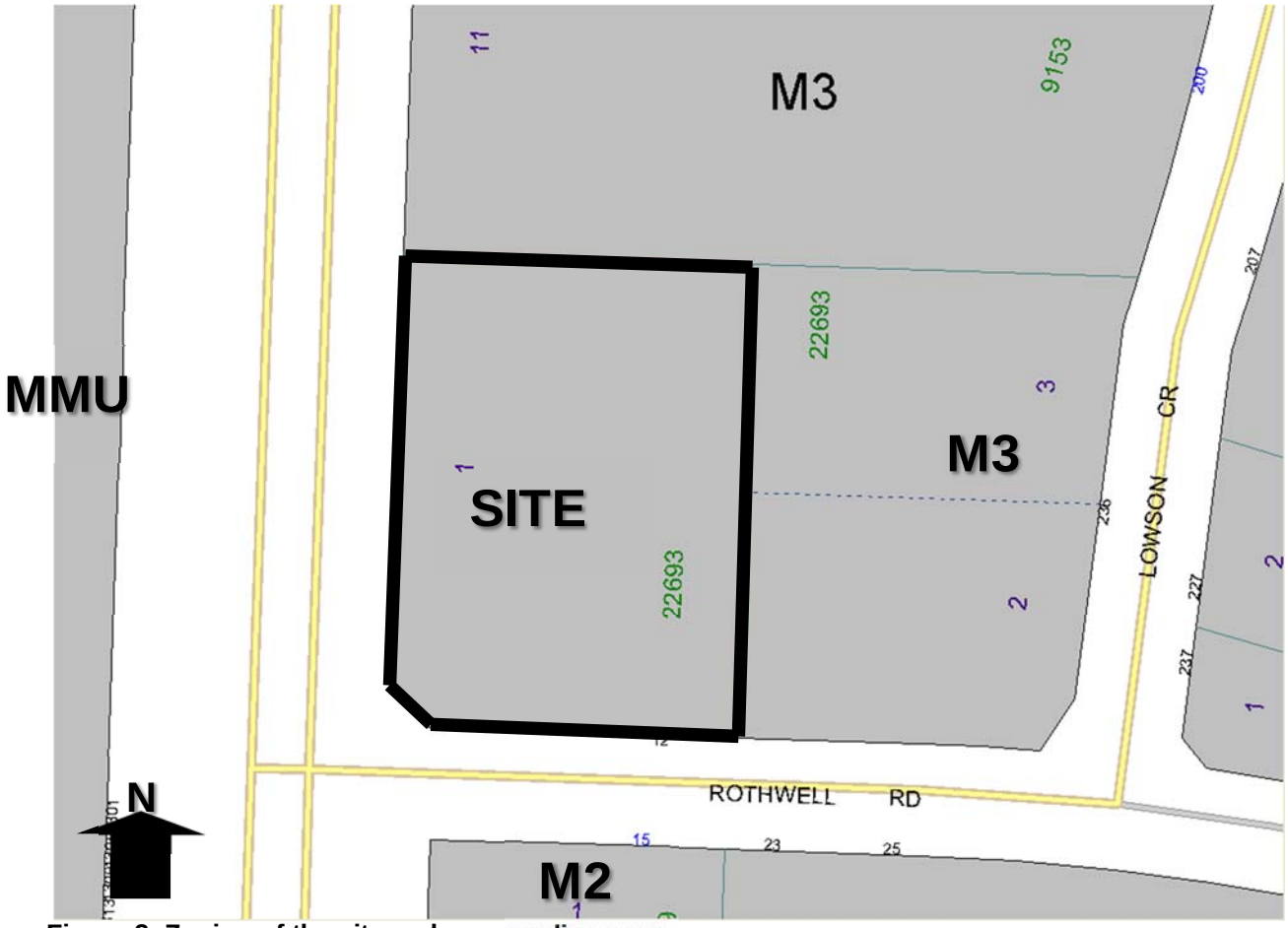



**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to rezone the site from "M3" Manufacturing Heavy District to "M1" Manufacturing Light District in order to repurpose the heavy industrial land and use the building for lighter industrial use/limited retail uses.
- The applicant is proposing a multi-tenant structure with new tenant(s) that are unknown at this time. As indicated in the letter of intent by the applicant, the projected use is for a retailer(s) with the need for limited outside storage where light manufacturing can be carried out inside the building
- The applicant is proposing a right in, right out approach onto Kenaston Blvd.
- Submitted plans are conceptual and do not show detailed site plans and proposed uses. The intent is to re-purpose and renovate the existing buildings on site.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Employment Lands – Manufacturing Specific policy area in the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Employment Lands includes:

- Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.
- Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary.
- 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.
- 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.
- Provide street trees, landscaping, fencing, and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of lane uses, including public rights or way.

WINNIPEG ZONING BY-LAW 200/2006

Zoning By-law 200/2006 states that all manufacturing zoning districts are generally intended to:

(a) Provide appropriately located areas consistent with Plan Winnipeg for industrial and employment purposes, and limit non-industrial uses that may erode the supply of industrial lands that are well-located and serviced to accommodate industrial development; and

(b) Ensure that the appearance of industrial buildings and lands are of high quality and are compatible with the area in which they are located.

*Manufacturing Light*

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.

Dimensional standards prescribed under Zoning By-law 200/2006 for the M1 zoning district are as follows:

- Minimum front yard – 25 feet
- Minimum rear yard – 0 feet
- Minimum interior side yard – 0 feet
- Minimum corner side yard – 15 feet
- Maximum height of building – 50 feet
- Maximum floor area ratio – 2.0

LAND USE BY-LAW

*Rezoning*

- The "M1" zoning district is intended for light manufacturing, processing, service, storage, wholesale, and distribution operations. Within the employment lands policy area in *Complete*

*Communities* there are provisions that allow for commercial retail and personal services that are subordinate to and supportive of primary employment uses.

- Rezoning the land to M1 is appropriate for this site as the current zoning, "M3" Heavy Manufacturing, is a fairly intense land use designation that is perhaps no longer compatible with the types of uses in the immediate area. The M1 zoning district is a little less intense in its available uses and as a result, The Urban Planning Division believes it to be an appropriate land use designation for the subject property.
- The Urban Planning Division believes that retail uses that are subordinate to a light industrial type operation are consistent with the objectives in both the Zoning By-law and *Complete Communities Direction Strategy*.
- The Urban Planning Division believes that the limited size of the site will self-regulate the type of tenants and uses on the land. For example, a proposal of a supermarket would be allowed up to a maximum of 55,000 square feet in floor space under the M1 zoning district. However, a supermarket also requires 1 parking stall for every 250 square feet of floor space. As a result, it is likely that parking variances would be required if a supermarket of this size was proposed on site. In the event that an application is made for a supermarket, the Planning administration would have a chance to review the proposed variances and determine if it is a reasonable fit for the site and surrounding area.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the development of commercial /retail and personal service development in "M1" zoning district that is subordinate to and supportive of the primary employment uses in business/institutional employment areas.
- The Urban Planning Division is supportive of cases where heavy industrial buildings are being repurposed for lighter industrial uses instead of allowing such buildings to remain vacant or go derelict.
- The proposal is consistent with the existing industrial character in the area and reflects the transitioning nature of this area from heavy industrial to lighter industrial with a mix of uses.

DISCUSSION OF CONDITIONS

*Previous Conditions on the land*

Through discussions with administration in Zoning, The Urban Planning Division has been informed that the variance previously approved on the land (DAV 907/95) ran with the specific use for which they were applied for; a storage compound and accessory parking area providing no front yard. It is anticipated that the use on the land will be changing from a storage compound and as a result the variance will no longer be valid. As a result, once building/occupancy permits are applied for, a zoning analysis will be conducted to review the proposed use under the M1 requirements. When this review occurs, it is anticipated that variances will be required for a reduced front yard setback to accessory parking and insufficient landscaping along the Kenaston front yard based on submitted site plans with this current rezoning application.

*Condition 1 – Plan Approval*

This is a standard condition for most rezoning applications. The intent is to allow for a review of final plans with regard to design and operation of the site.

It is recognized that this area of Kenaston is undergoing a transition from a primarily industrial character to that of a commercial/mixed use character; the IKEA development at Sterling Lyon and the Terracon Business Park are examples of this. Given the site's prominent location, it is imperative to the Urban Planning Division that this site is developed to a high standard. Through the plan approval process, it will be looking for:

- Ample, high quality landscaping in required yards as well as internal to the site. Particular attention will be given to the Kenaston frontage and internal parking area.

- Building location and design, including façade treatments, colours, materials and dimensions. Colour elevations should be submitted.

- The location and design of the site's garbage enclosures. The garbage enclosure should match the architectural detailing of the primary building and should be built to a high quality standard.

- The location and design of accessory signage. Any free-standing sign should have substantial landscaping at its base.

- The location and design of any on-site fencing. In particular fencing should be constructed in a high quality, ornamental manner with solid wood, which screens light from cars that park in the front yard facing Kenaston Blvd. Existing chain link fence on the site should also be removed and replaced with ornamental, solid wood and light screen fencing.

Condition 2 – Caveat

A caveat, in favour of the City, being registered against the title of the subject property prohibiting any new buildings, signs, or other permanent structures from being constructed within 18m of the existing east property line of Kenaston Boulevard for future right-of-way purposes to accommodate the widening of Kenaston Boulevard.

The Public Works department has indicated that they will require a total of 10 metres for the widening of Kenaston in the future and wishes to add a condition that caveats the site to not permit any buildings to be established within 18 metres of the existing east property line of Kenaston Boulevard. 10 metres accounts for the necessary space required for the right of way widening and the additional 8 metres accounts for the required front yard setback prescribed under Zoning By-law 200/2006 for the M1 zoning district (see figure 3). The intent of maintaining this setback is to ensure that when Kenaston is widened there are no buildings or structures located right up to, or in close proximity to the property line that could impact development.

APPROACHES

Access to the site is currently available from Rothwell Road. The applicant is proposing an in/out approach to and from Kenaston for the subject site. Upon discussions with Public Works, this proposed approach has been identified as non-conforming and therefore cannot be supported. Decisions on approval for approaches are made by the Standing Policy Committee – Infrastructure Renewal and Public Works.

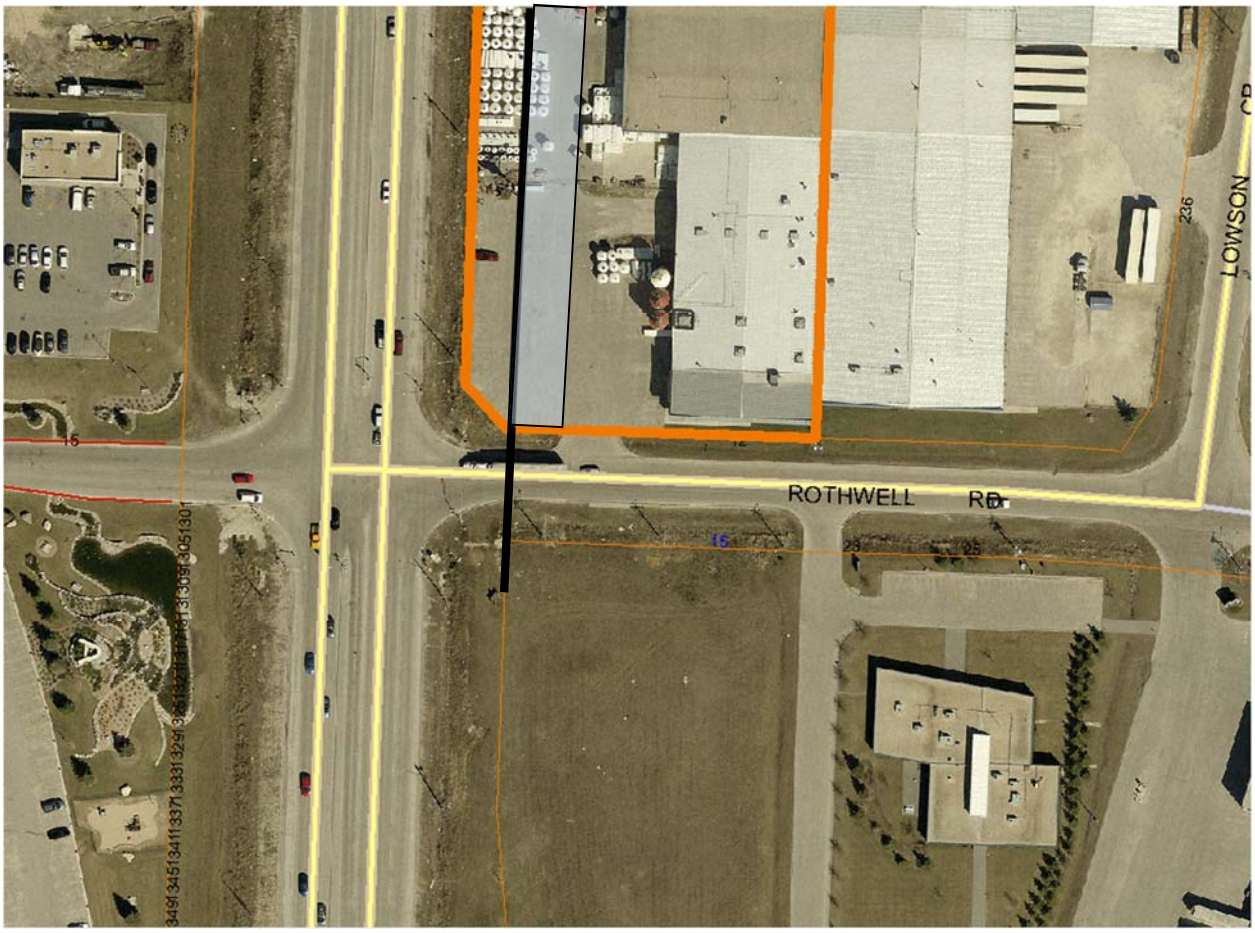


**Figure 3: Approximate setback requirement associated with proposed caveat.**

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 proposal is generally consistent with the policies of the Complete Communities Direction Strategy and the Urban Planning Division believes that the proposed change of land use can be compatible with industrial uses of the area, subject to the recommended conditions.

- The proposed rezoning allows commercial, industrial and warehouse opportunities that are compatible with the existing context, providing a good transition between the “MMU” uses to the west and the “M3” uses to the east.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Devin Clark
PPD File # DAZ 225/2014

**APPENDIX "B"**
Schedule "A" for File No. DAZ 225/2014, Assiniboia Community Committee, dated September 3, 2014

By-Law No. _____

File No. **DAZ 225/14**

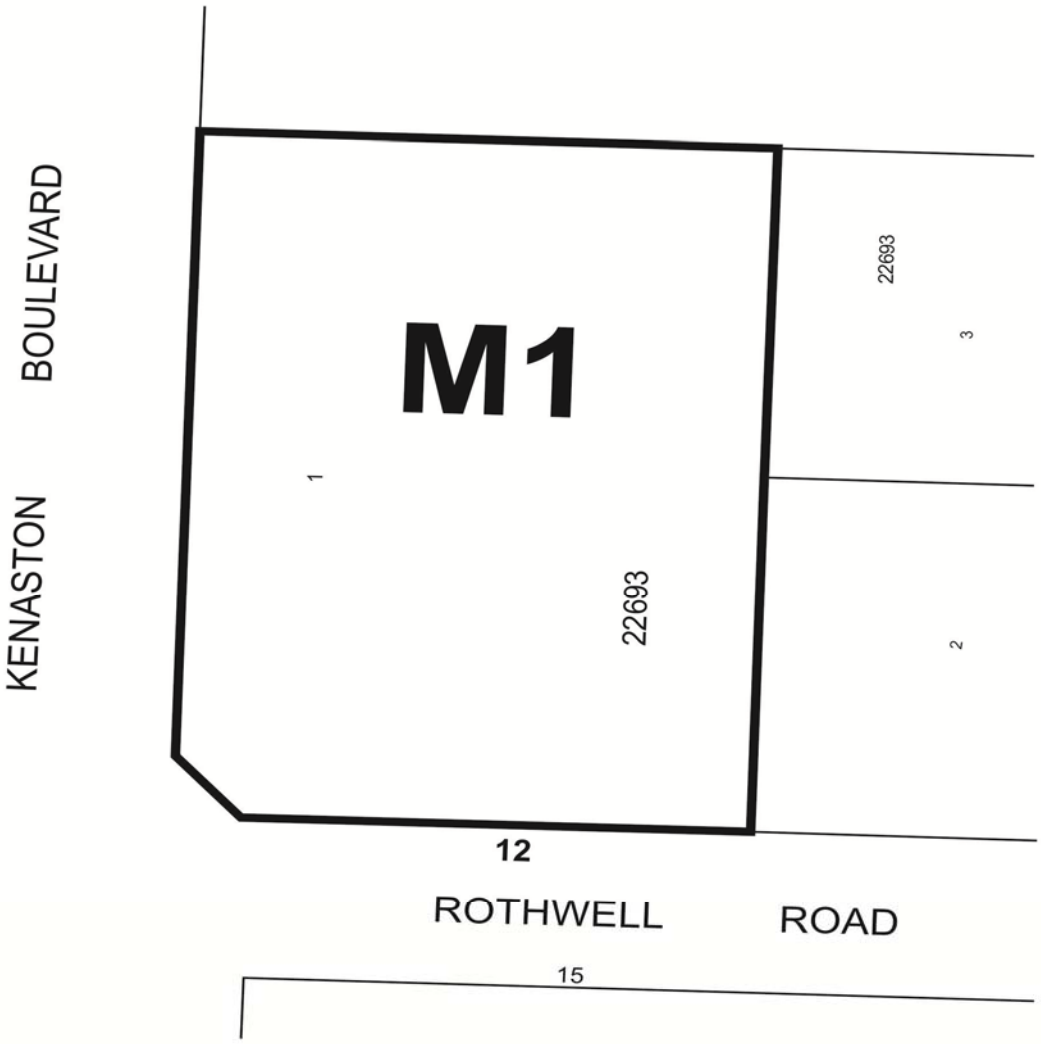
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 12 Rothwell Road from an "M3" MANUFACTURING HEAVY DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT to allow for the establishment of future multi-tenant light industrial uses as shown outlined below.

Atlas Sheet No.

N

**AG20 ASSINIBOIA COMMUNITY**




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____