Agenda – Council – September 30, 2015

Report – Executive Policy Committee – September 23, 2015

Item No. 3 Subdivision and Rezoning – 33 Warnock Street (Point Douglas Ward) File DASZ 18/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. A. That the plan of subdivision proposed under File DASZ 18/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2015 dated Jun. 16, 2015, including changes as described in recommendation 1. B, and for registration in the Winnipeg Land Titles Office.

   B. The Developer shall, at no expense to the City, transfer and legally open property required for a 4.000m widening of the existing east-west public lane, from Warnock Street to Maude Street along the south limit of the Planned Area, as well as a corner cut in the southwest corner of the property measuring 6.000m along Warnock Street by 8.000m along the public lane, as determined by the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 18/2015 dated Jun. 16, 2015 to an "M2" Manufacturing General District.

3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

Report – Executive Policy Committee – September 23, 2015

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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 23, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2015, the Lord Selkirk-West Kildonan 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: **Subdivision and Rezoning - 33 Warnock Street**
File DASZ 18/2015

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. A. That the plan of subdivision proposed under File DASZ 18/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2015 dated Jun. 16, 2015, including changes as described in recommendation 1. B, and for registration in the Winnipeg Land Titles Office.

   B. The Developer shall, at no expense to the City, transfer and legally open property required for a 4.000m widening of the existing east-west public lane, from Warnock Street to Maude Street along the south limit of the Planned Area, as well as a corner cut in the southwest corner of the property measuring 6.000m along Warnock Street by 8.000m along the public lane, as determined by the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 18/2015 dated Jun. 16, 2015 to an "M2" Manufacturing General District.

3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

1. The subject application is required to accommodate a place of worship for the community, which will be a tremendous asset to the neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ 18/2015

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: September 15, 2015
Council Building, 510 Main Street

Applicant: Pitblado LLP (Bruce King)

Subject:



Premises Affected: 33 Warnock Street

Exhibits Filed:
1. Application dated June 16, 2015
2. Notification of Public Hearing dated July 6, 2015
3. Manitoba Status of Titles 1854359/1 and 2604512/1

4. Letter of authorization dated May 21, 2015 from The City of Winnipeg to Bruce King, Pitblado LLP
5. Surveyor's Building Location Certificate and sketch dated June 12, 2015
6. By-law Nos. 16261 and 2636/80
7. Plan
8. Report from the Urban Planning Division dated September 2, 2015
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Bruce King, Pitblado LLP
Abdo Eltassi

In Opposition

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Senior Planner, Planning, Property and Development Department

Exhibit “8” referred to in File DASZ 18/2015

ADMINISTRATIVE REPORT

Title: DASZ 18/2015 – 33 Warnock St

Issue: For consideration at the Public Hearing to rezone land from “M3” Manufacturing Heavy to “M2” Manufacturing General.

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Critical Path: LSWK Community Committee – Standing Policy Committee - 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.

A. That the plan of subdivision proposed under File DASZ 18/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 18/2015 dated Jun. 16, 2015, including changes as described in recommendation 1. B, and for registration in the Winnipeg Land Titles Office.

B. The Developer shall, at no expense to the City, transfer and legally open property required for a 4.000m widening of the existing east-west public lane, from Warnock Street to Maude Street along the south limit of the Planned Area, as well as a corner cut in the southwest corner of the property measuring 6.000m along Warnock Street by 8.000m along the public lane, as determined by the Director of Public Works.

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10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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 rezone the property to an “M2” General Manufacturing District.
- The proposed rezoning is meant to accommodate a Place of Worship use in an existing building.
- The proposed rezoning is consistent with *Complete Communities* because the lands will remain industrially zoned – “M2” – which is consistent with the General manufacturing Policy Designation.
- The subject rezoning will accommodate development within an existing building.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the property can be rezoned to an “M2” General Manufacturing District.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Noah Yauk
Date:	Sept. 2, 2015
File No.	DASZ 18/15

List of Attachments:

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 18/15, LSWK COMMUNITY COMMITTEE, DATED JUNE 16, 2015

APPENDIX 'A

DATE: Sept. 2, 2015

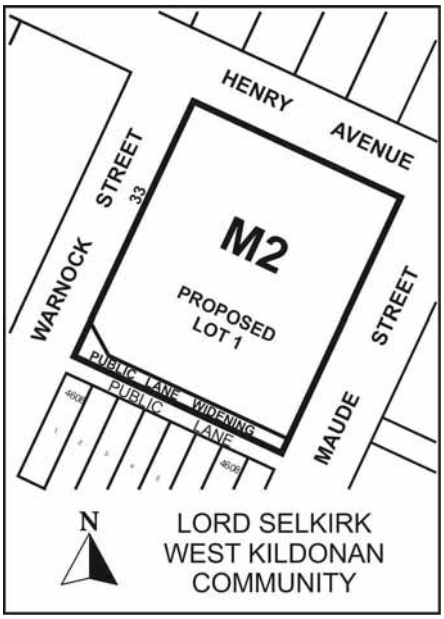
FILE: **DASZ 18/15**

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: Leila North

SUBJECT: For consideration at the Public Hearing to rezone the subject property to an "M2" General Manufacturing District.

LOCATION: 33 Warnock Street

LEGAL DESCRIPTION: LOTS 9 AND 10 PLAN 4608 WLTO EXCEPT HENRY AVENUE PLAN 4760 WLTO IN RL 11 PARISH OF ST JOHN
PARCEL A PLAN 15228 WLTO IN RL 11 PARISH OF ST JOHN



APPLICANT: Bruce King (Pitblado LLP)
2500 – 360 Main Street
Wpg., MB R3C 4H6

OWNER: City of Winnipeg

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the property to an ""M2" General Manufacturing District.
- The proposed rezoning is meant to accommodate a Place of Worship use in an existing building.
- The proposed rezoning is consistent with *Complete Communities* because the lands will remain industrially zoned – "M2" – which is consistent with the General manufacturing Policy Designation.
- The subject rezoning will accommodate development within an existing building.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

SITE DESCRIPTION

The subject property, which is currently zoned "M3" Manufacturing Heavy, is located on Warnock Street between Logan Ave and Henry Ave in the Logan C.P.R. Neighbourhood of the Point Douglas ward.

Surrounding Land Use and Zoning

North: Henry Avenue, then industrial uses zoned "M3" Manufacturing Heavy District.
South: A public lane the commercial offices zoned "M3" Manufacturing Heavy District.
East: Maude Street then industrial uses zoned "M3" Manufacturing Heavy District.
West: Warnock Avenue then the City of Winnipeg Animal Services facility zoned "M3" Manufacturing Heavy District.



Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2012)

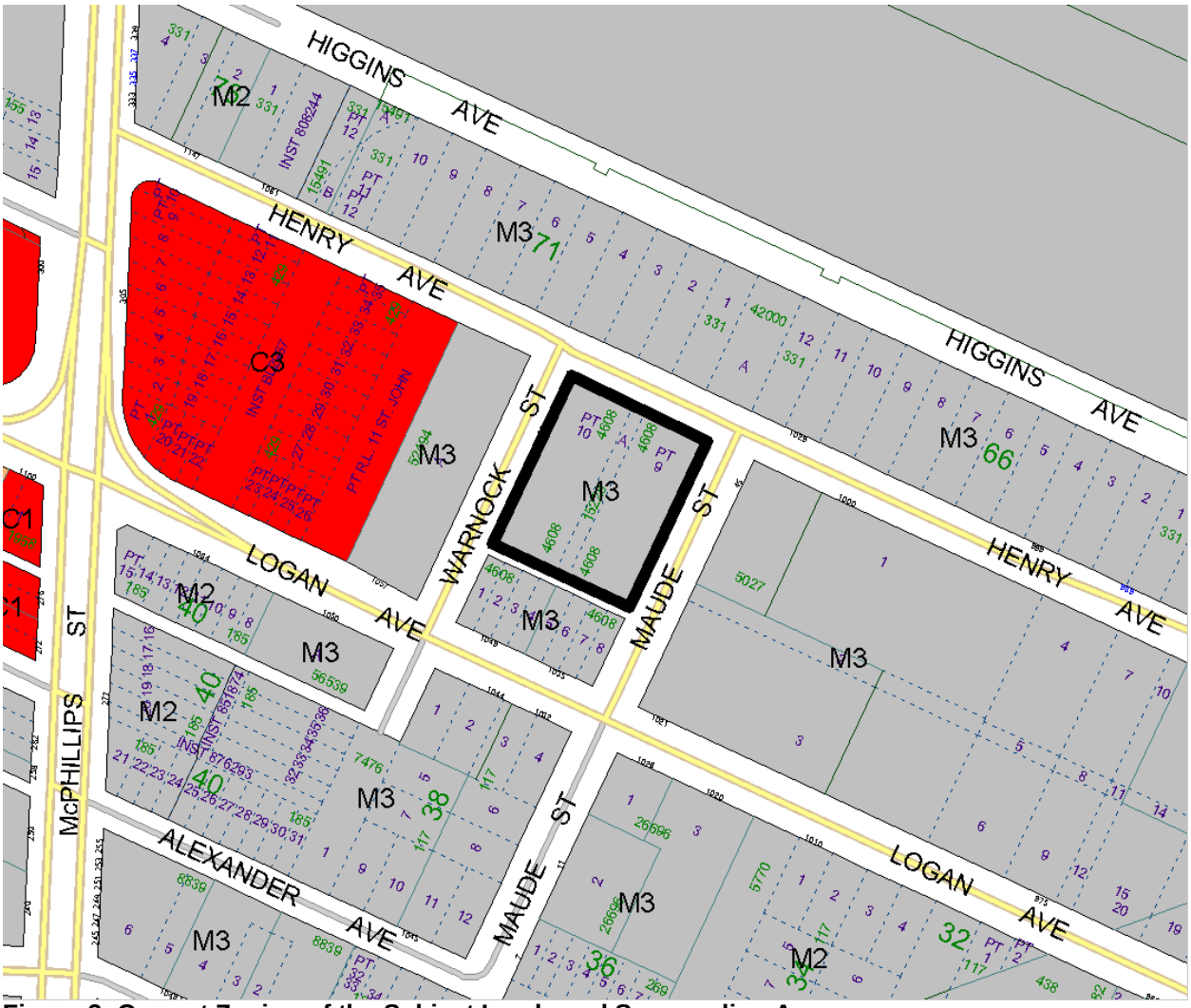


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the planned area to an “M3” Manufacturing Heavy District and use the existing building as a Place of Worship.
- The lands are currently owned by the City of Winnipeg and will be sold for the established purpose subject to a successful rezoning.
- Through the application process the city will retain some of the lands at the southern edge of the property for the purposes of a lane widening.
- The proposed rezoning will allow an existing building, which has been used as an office, to remain in use as a place of worship.

ZONING

Zoning By-Law 200/2006: Proposed Zoning District
According to Zoning By-law 200/2006:

> 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.

The M2 district also accommodates a number of uses that are not industrial in nature such as hotels and motels; restaurants and drinking establishment; and places of worship (the proposed use). The applicant is choosing the M2 zoning because it allows the zoning on the land to be consistent with the General Manufacturing policy designation of the Complete Communities and allow the proposed use as a permitted use.

COMPATIBILITY WITH EXISITNG DEVELOPMENT
The subject lands currently contain an office building. Neighboring properties reflect a mix of uses, including the City of Winnipeg Animal Services facility across Warnock to the west, offices across the public lane to the south that front onto Logan Avenue, and industrial uses scattered throughout the area. It is noted that the subject site is located one block from the intersection of McPhillips Street and Logan Avenue which provides many commercial services including a large strip mall on the north east corner. In this context the proposed use seems compatible with the range of uses in the immediate vicinity.

INPUT FROM OTHER DEPARTMENTS
In circulation of the subject application, the Public Works Dept has advised of the need for lands for a future widening of the existing east-west public lane, from Warnock Street to Maude Street along the south limit of the Planned Area, as well as a corner cut in the southwest corner of the property. This requirement is addressed under recommendation 1. B. of this report.

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

- The proposed zoning district accommodates a Place of Worship as a permitted use under Zoning By-law 200/2006 and is consistent with the General Manufacturing Policy designation of Complete Communities.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 18/15

SCHEDULE “A” FOR FILE NO. DASZ 18/2015, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED JUNE 16, 2015.

By-Law No. _____

File No. **DASZ 18/15**

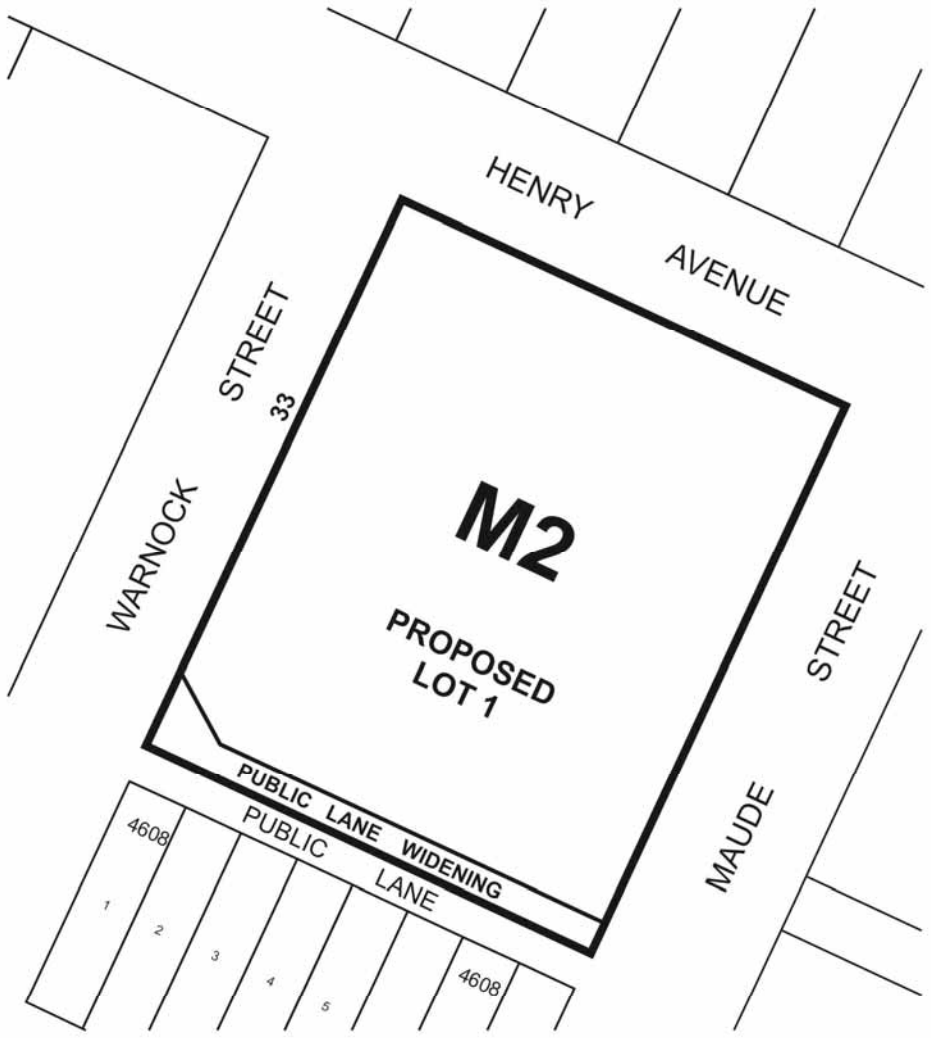
Atlas Sheet No. **X23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 33 Warnock Street from an “M3” MANUFACTURING HEAVY DISTRICT to an “M2” MANUFACTURING GENERAL DISTRICT to allow for the establishment of a place of worship use and a public lane as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____