Agenda – Council – July 13, 2016

Report – Executive Policy Committee – June 29, 2016

Item No. 3 Rezoning – 237 Lowson Crescent
(Charleswood-Tuxedo-Whyte Ridge Ward)
File DAZ 204/2016

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 29, 2016, 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 204/2016 dated May 13, 2016 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 building and/or accessory parking area, 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, bicycle parking and free-standing signage to the Director of Planning, Property and Development 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.

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.

Agenda – Council – July 13, 2016

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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.

Report – Executive Policy Committee – June 29, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 29, 2016, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2016, 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 204/2016

For submission to: **Executive Policy Committee**

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

Report date: **June 8, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2016, 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 204/2016 dated May 13, 2016 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 building and/or accessory parking area, 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, bicycle parking and free-standing signage to the Director of Planning, Property and Development 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.

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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 Planning and Land Use Division dated May 13, 2016.

PUBLIC HEARING SUMMARY

File: DAZ 204/2016

Before: Assiniboia Community Committee
Councillor Morantz, Chairperson
Councillor Dobson

Public Hearing: June 7, 2016
Council Building, 510 Main Street

Applicant: Mattstu Holdings Ltd.
(Wayne Hanks)

Subject:



Premises Affected: 237 Lowson Crescent

Exhibits Filed: 1. Application dated March 30, 2016

2. Notification of Public Hearing dated April 12, 2016
3. Manitoba Status of Title 2782284/1
4. Letter of authorization dated March 24, 2016 from Mattstu Holdings Limited to Wayne Hanks
5. Surveyor's Building Location Certificate and sketch dated April 16, 2013
6. Drawing of subject property/sign
7. Report from the Urban Planning Division dated May 13, 2016
8. Inspection Report
9. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:
Wayne Hanks

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit “7” referred to in File DAZ 204/2016

ADMINISTRATIVE REPORT

Title: DAZ 204/16 – 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 → 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 204/2016 dated May 13, 2016 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 building and/or accessory parking area, 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, bicycle parking and free-standing signage to the Director of Planning, Property and Development 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.

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.
- 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.
- **July 9, 2013** – **DAV 130702/2013D** - Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, and approved a Variance on "the land" for:

  1. a temporary change of use for a period not to exceed five (5) years to allow for the establishment of an amusement enterprise, indoor use;

  2. the establishment of an amusement enterprise, indoor use to permit 20 parking stalls;

- **July 17, 2013** – **DAZ 218/13 -** An application to rezone the land from "M3" to "M2" is approved by Council.
- The rezoning application was never finalized with Land Development and the rezoning expired. As such, a new application is required to rezone the land.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	Devin Clark
Date:	May 13, 2016
File No.	DAZ 204/16

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 204/16

APPENDIX 'A'

DATE: May 13, 2016

FILE: **DAZ 204/16**
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: Wayne Hanks (Mattstu Holdings Ltd.)
90 Battleford Bay
WINNIPEG MB R3Y 1K3

OWNER: Same as applicant

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located at the north-east corner of the Rothwell Road, and Lowson Crescent intersection in the Tuxedo-Industrial neighbourhood of the Charleswood-Tuxedo-Whyte Ridge 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.

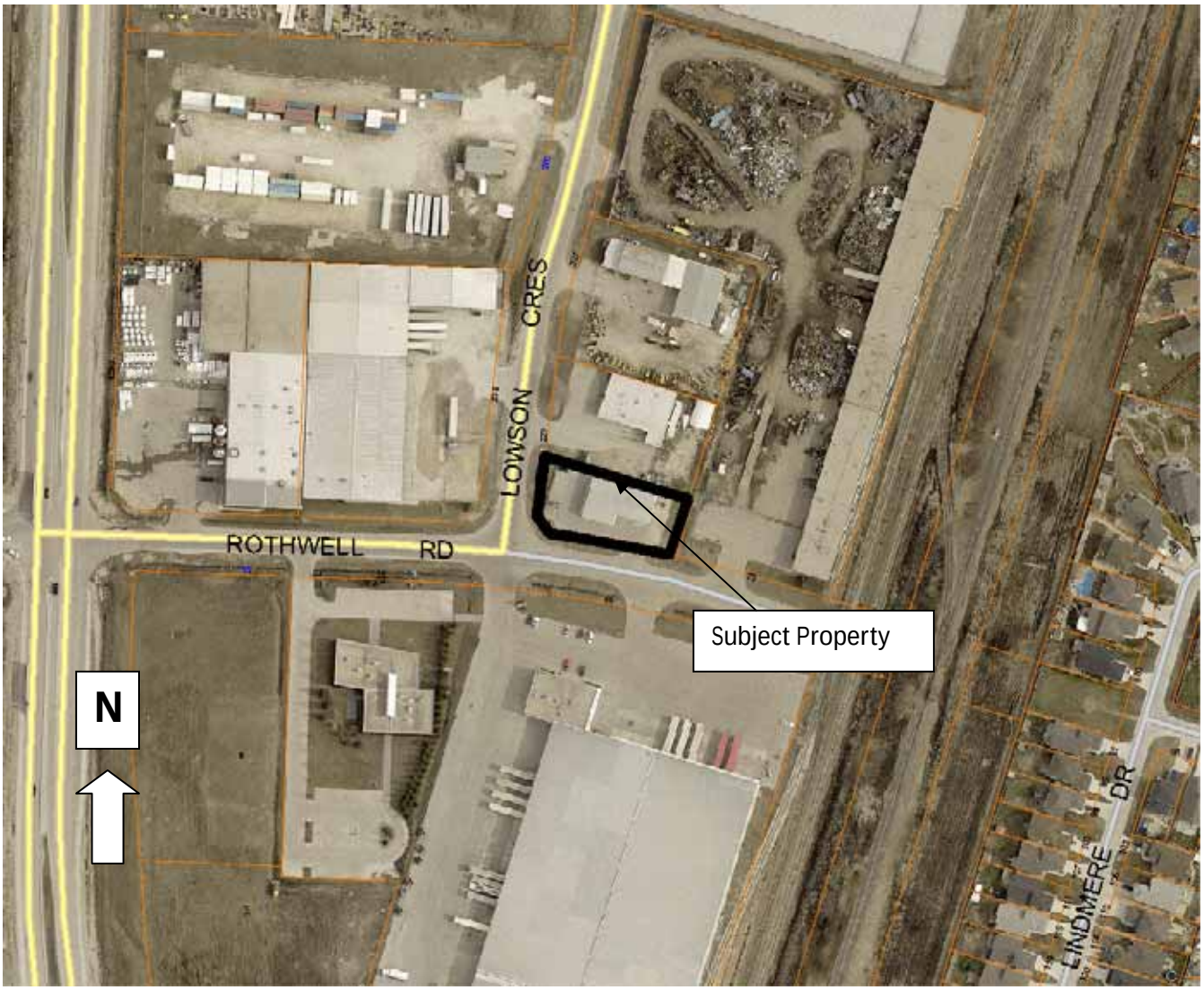

Figure 1: Aerial photograph showing subject property (flown 2012)

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.

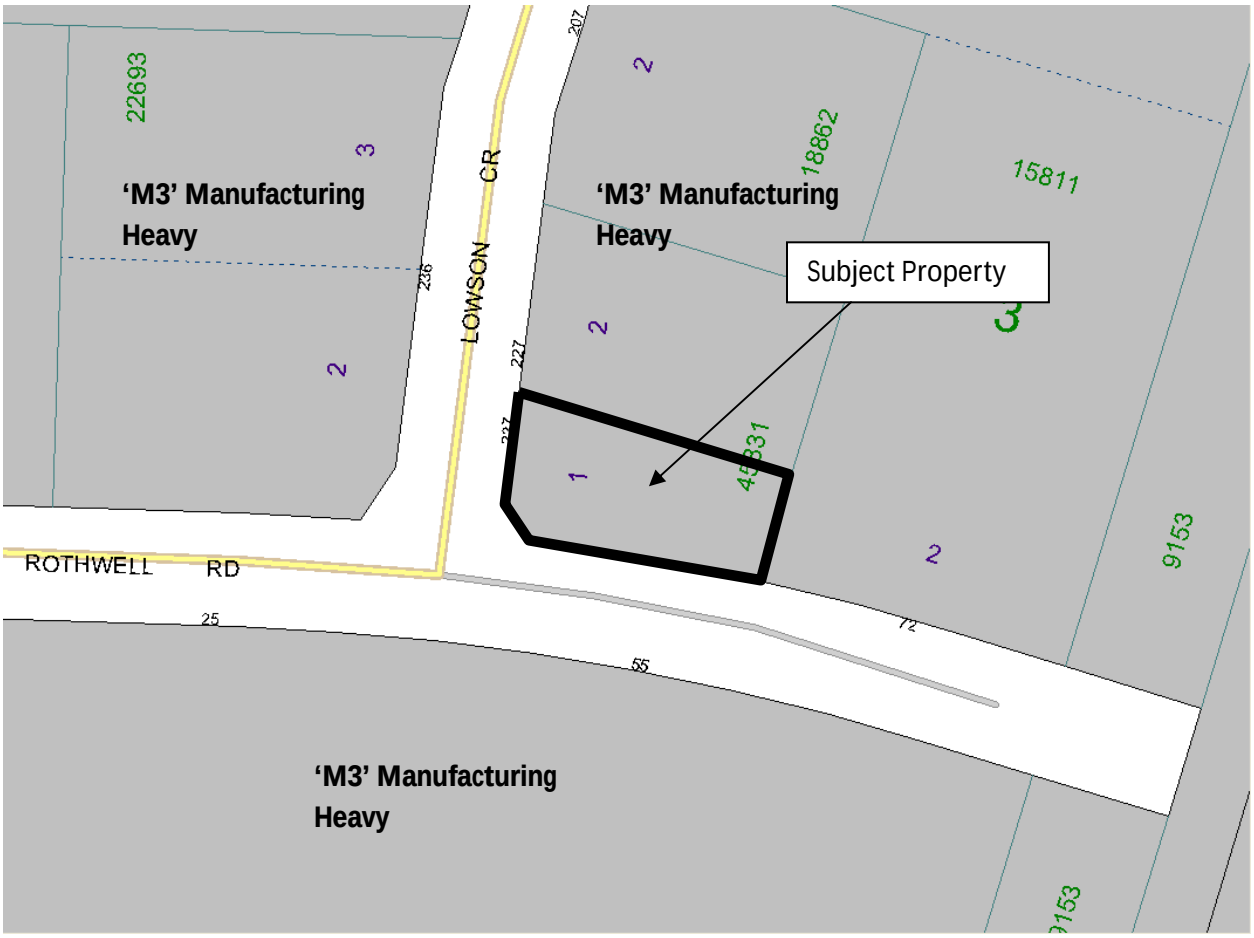

Figure 2: Zoning of the surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The current proposal is the same as the application that was submitted and approved for a rezoning in 2013 (DAZ 218/13).
- The applicant is proposing to rezone the subject site from “M3” Manufacturing Heavy to “M2” General Manufacturing in order to maintain a Crossfit Gym.
- An associated Variance application, (DAV 13-130702/D) was approved in 2013 which allows for a reduction in the required parking from 40 stalls to 20 stalls as well as a Use

Variance that allowed the amusement enterprise, indoor use to be established prior to the rezoning process being finalized. The rezoning was never finalized and eventually expired.

- The existing building is 4,000 square feet with no changes required for the proposed use.

ANALYSIS AND ISSUES

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.
    - Development or redevelopment of employment sites should provide for good walking environments within the site and adjacent to public sidewalks and transit stops.
    - 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 land uses, including public rights of way.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from ‘M3’ to ‘M2’ to accommodate the maintenance of a Fitness Centre which falls under Amusement enterprise use. The Amusement enterprise use is not permitted in the ‘M3’ zones, but is permitted in the ‘M2’ zone.
- The Fitness Centre has been established under a previous variance (DAV 13-130702/D) that allowed a temporary change of use for a period of no more than 5 years. The rezoning from “M3” to “M2” was approved by Council on July 17th, 2013, but was never finalized with Land Development. As such, the applicant has submitted a new rezoning application.

- The Urban Planning Division and Assiniboia Community Committee were supportive of the previous application.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located in the General Employment Land – Manufacturing Specific policy area of the Complete Communities Direction Strategy. General policies guiding development in this area encourage growth, a suitable range of mixed-features and uses that will best match the emerging needs of Winnipeg's current and future employers.
- The Crossfit gym is consistent with policies in *Complete Communities* to encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.
- 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.

PLAN APPROVAL CONDITION

Plan Approval – The Urban Planning Division is recommending Plan Approval as a condition of approval for this application. As part of the plan approval condition the Urban Planning Division expects the following:

- Building location and elevations – If any new building is established on the land, plans showing the location of the building and elevations with colour renderings should be provided as part of the plan approval package.
- Landscaping – Policies for development within General Manufacturing areas encourage the introduction of street trees, landscaping, fencing and other architectural features that improve the aesthetics of the area. Plans should indicate location, quantities and species of landscaping on site.
- Garbage bins and enclosures should be located on site in a manner that is accessible for waste collection. The garbage enclosures should be constructed of wood, brick, stone, or another compatible material, and should be sufficiently screened and not visible from the public street.
- Lighting – any lighting on site should not provide glare or spill over onto any adjacent property. Plans shall include location and design of light standards.
- Fencing - Any proposed fencing should be constructed of high quality materials and design. Details shall be submitted with the plan approval package.

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 application is consistent with policies in the Complete Communities Direction Strategy for land located with the General Manufacturing Policy Area.
- The proposed rezoning allows for the amusement enterprise use to continue its operation as of right once the temporary change of use variance expires.
- The area has been gradually transitioning away from heavy industrial uses.
- The proposed zoning district and use is consistent and compatible with the surrounding area.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared By: Devin Clark
PPD File # DAZ 204/16

Schedule "A" for File No. DAZ 204/2016, Assiniboia Community Committee, dated May 13, 2016

By-Law No. _____

File No. **DAZ 204/16**

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 maintenance of an existing amusement enterprise, indoor use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____