Minute No. 208
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2017

Item No. 2 **Correction of an Error in Winnipeg Zoning By-law No. 200/2006 – DAZ 215/2015, 171 Cole Avenue and City-owned Land to the South – Lot 4, Block 9, Plan 6519**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That an amendment to the Winnipeg Zoning By-law No. 200/2006 (draft amending by-law is attached as Attachment "A") be enacted to correct an error in the zoning maps.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 7, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: DAZ 215/2015, 171 Cole Avenue and City-owned Land to the South – Lot 4, Block 9, Plan 6519, Correction of an Error in Winnipeg Zoning By-law No. 200/2006

Critical Path: Standing Policy Committee on Property and Development, Heritage, and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	n/a	D. McNeil

EXECUTIVE SUMMARY

When the Winnipeg Zoning By-law No. 200/2006, which repealed the former Winnipeg Zoning By-law No. 6400/94, came into force in 2008, the zoning of the subject site (which is at 171 Cole Avenue and an abutting vacant parcel owned by the City) changed from an "M2" Industrial District under By-law No. 6400/94 to a "C2" Commercial Community District under By-law No. 200/2006.

The Urban Planning Division considers the rezoning of the subject site in 2008 to "C2" Commercial Community an error and recommends correcting it by rezoning the subject site to "M2," Manufacturing General, which will:

- restore zoning rights that were in place when By-law No. 6400/94 was in effect;
- comply with *OurWinnipeg* and *Complete Communities*; and
- accommodate the existing wholesaling use on the privately held portion of the site.

RECOMMENDATIONS

1) That Council enact an amendment to the Winnipeg Zoning By-law No. 200/2006 (draft amending by-law is attached as Attachment "A") to correct an error in the zoning maps.

2) That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

This report recommends that the zoning maps of the Winnipeg Zoning By-law No. 200/2006 (the "By-law") be corrected such that they are consistent with *Complete Communities* and to restore zoning rights that were in place prior to the By-law coming into force (which was on March 1, 2008).

A by-law must be enacted to implement the amendment. If Council concurs with the Public Service that the amendment would correct an error and would "not prejudice the rights of any person," Council may pass the amendment without holding a hearing (as per Section 276 of *The City of Winnipeg Charter*).

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are concurred in, the subject site will be rezoned to an "M2" Manufacturing General District under By-law No. 200/2006.

HISTORY/DISCUSSION

The subject site consists of:

- the privately-owned property at 171 Cole Avenue, on which the principal use is "wholesaling"; and
- the City-owned property immediately to the south of 171 Cole Avenue, which is vacant and does not have a street address.

Together, these properties are Lot 4 of Block 9, Plan 6519 WLTO.

City permit data shows that a "wholesale establishment for the sales and distribution of tools" was established at 171 Cole Avenue in 2001, prior to the coming into force of Winnipeg Zoning By-law No. 200/2006. At that time, the subject site was zoned as an "M2" Industrial District under the former Winnipeg Zoning By-law No. 6400/94. A "wholesale establishment" was a permitted use in that zoning district.

On March 1, 2008, Winnipeg Zoning By-law No. 200/2006 came into force and the site's zoning was changed to a "C2" Commercial Community District under that By-law. "Wholesaling" is not permitted in that zoning district.

The mapping rules, which were approved by Council, state that the "M2" Industrial District of By-law No. 6400/94 shall become a "M2" Manufacturing General District under By-law No. 200/2006 unless the principal use of the subject land is commercial. The mapping rules also state that, if the principal use is commercial, the subject land shall become a "C2," "C3," or "C4" District under By-law No. 200/2006. Given that the use at 171 Cole Avenue was a wholesale establishment at that time, it may be that this use was considered commercial and thus rezoned to "C2" Commercial Community in error.

In 2011, *OurWinnipeg* and *Complete Communities* came into force, resulting in the designation of the site changing from the "Industrial" policy area of *Plan Winnipeg 2020 Vision* to the "General Manufacturing" policy area of *Complete Communities. Plan Winnipeg 2020 Vision* only allowed commercial uses in the Industrial policy area that were compatible with industrial uses. *Complete Communities* only allows commercial uses in the General Manufacturing policy area that are subordinate to, and supportive of, the primary employment uses. This policy shift resulted in the current zoning of the subject site – "C2" Commercial Community – being inconsistent with *Complete Communities.*

In 2015, the wholesaling use at 171 Cole Avenue was expanded on the understanding that the City would correct the rezoning error.

In light of the foregoing, the Public Service recommends that the subject site be rezoned to "M2" Manufacturing General in order to:

- restore zoning rights that were in-place when By-law No. 6400/94 was in effect;
- accommodate the existing wholesaling use at 171 Cole Avenue; and
- bring the zoning into compliance with *Complete Communities*.

FINANCIAL IMPACT

Financial Impact Statement

Date: December 6, 2016

Project Name:

DAZ 215/2015, 171 Cole Avenue and City-owned Land to the South – Lot 4, Block 9, Plan 6519, Correction of an Error in Winnipeg Zoning By-law No. 200/2006

COMMENTS:

There are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

The Legal Services, as to legal issues.

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg states, in Section 01-1b:

> *Ensure Winnipeg's Employment Lands provide for a wide range of market opportunities, accommodating new investment and economic development while contributing an abundance of job opportunities for our citizens.*

The subject site is in a General Manufacturing policy area of *Complete Communities.* This policy area is a type of Employment Land.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Glen Doney, Senior Planner
Date: December 13, 2016
File No: DAZ 215/2015

Attachments:

1. Attachment "A" – Amending By-law

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ATTACHMENT "A" – Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2016

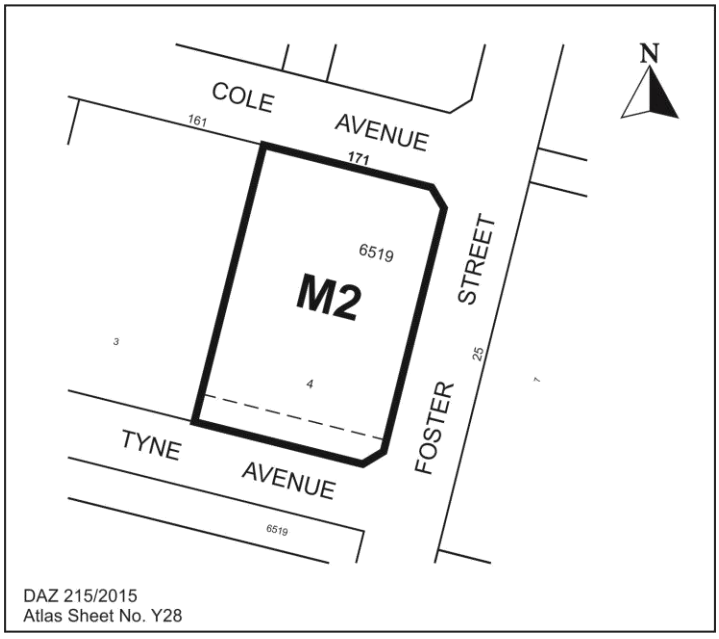
A By-law of THE CITY OF WINNIPEG to amend Winnipeg Zoning By-law No. 200/2006 to correct an error in the zoning of the land located at 171 Cole Avenue and immediately to the south of 171 Cole Avenue in the East Kildonan – Transcona Community

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Zoning

1 The Winnipeg Zoning By-law No. 200/2006 is amended by adding the following in Schedule B:

2(424) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the land designated on the plan below as "M2" is hereby zoned as an "M2" Manufacturing General District, the zoning districts and zoning district boundaries are hereby located as shown on that plan, and the Zoning Maps shall hereafter be read and construed as shown on that plan.



DONE AND PASSED this day of , 2016.

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Mayor

_____
City Clerk

Approved as to planning details:

_____
for Director of Planning, Property and Development

Approved as to form:

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Sarah Rentz *for* Director of Legal Services and City Solicitor