Agenda – Council – January 28, 2021

Report – Executive Policy Committee – January 20, 2021

Item No. 7 Subdivision and Rezoning – 25 and 55 Rothwell Road (Charleswood-Tuxedo-Westwood Ward) File DASZ 21/2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That the subdivision under Development Application No. DASZ 21/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated October 26, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "M2" Manufacturing General District as shown on the map dated October 26, 2020 and attached as Schedule "A" to this report.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 21/2020, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within two years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

Report – Executive Policy Committee – January 20, 2021

EXECUTIVE POLICY COMMITTEEE RECOMMENDATION (continued):

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

Report – Executive Policy Committee – January 20, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2021, 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.

PUBLIC HEARING SUMMARY

File: DASZ 21/2020

Before: Assiniboia Community Committee
Councillor Klein, Chairperson
Councillor Gillingham
Councillor Lukes

Public Hearing: January 11, 2021
Council Building, 510 Main Street

Applicant: Colin Hekle (Rothwell Development Corporation)

Subject:



Premises Affected: 25 and 55 Rothwell Road

For submission to: The Executive Policy Committee

Prepared by: L. Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: January 12, 2021

Community Committee Recommendation:

On January 11, 2021, 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 subdivision under Development Application No. DASZ 21/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated October 26, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "M2" Manufacturing General District as shown on the map dated October 26, 2020 and attached as Schedule "A" to this report.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 21/2020, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within two years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. This is a housekeeping item, it seems that all parties, including the public service, are in agreement with, and for those reasons, this is why I would move the motion and support it.

Exhibits Filed:

1. Application dated October 23, 2020
2. Notification of Public Hearing dated December 1, 2020
3. Manitoba Status of Title 2706303/1
4. Letter of authorization dated September 17, 2020 from Rothwell Development Corporation (Grant Hekle) to Colin Hekle
5. Surveyor's Sketch dated September 27, 2011
6. Surveyor's Plan dated March 24, 2016
7. Caveat 4450752/1
8. Zoning Agreement DASZ 34/2011 Development Agreement (rezoning) The City of Winnipeg Charter Sections 240(1) and (2) By-law No. 6/2013
9. Parking Plan
10. Report from the Urban Planning Division dated December 23, 2020
11. Inspection Report

REPRESENTATIONS:

In Support:

Colin Hekle

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

F. Ojo, Urban Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 21/2021

ADMINISTRATIVE REPORT

Title: DASZ 21/2020 – 25 & 55 Rothwell Road

Issue: For consideration at the public hearing to rezone land from an "M3" Manufacturing Heavy District to "M2" Manufacturing General District.

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
F. Ojo	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 21/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated October 26, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "M2" Manufacturing General District as shown on the map dated October 26, 2020 and attached as Schedule "A" to this report.
3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 21/2020, as determined by the City's Director of Planning, Property and Development.
4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within two years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.
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7. That the zoning section of the By-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. 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

- The applicant intends to create two lots (proposed Lots 1 & 2) from an existing parcel and rezone the proposed Lot 1 from “M3” Heavy Manufacturing to “M2” General Manufacturing.
- The proposed rezoning is to allow the maintenance of the existing office uses on the subject property.
- Subdivisions and rezonings 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 subdivided into two lots and Lot 1 will be rezoned from “M3” Manufacturing Heavy District to the “M2” Manufacturing General District. Lot 2 will remain as “M3”.

HISTORY

May 14, 2008 – Council concurred in the recommendation of the Standing Policy Committee on Property and Development and approved the subdivision/rezoning of the subject property from “M3” Manufacturing Heavy to “M2” Manufacturing General under file DASZ 7/2008 subject to four conditions as part of the Zoning Agreement.

January 25, 2013 – Council concurred in the recommendation of the Executive Policy Committee and approved the subdivision/rezoning of the subject property from “M3” Manufacturing Heavy to “M2” Manufacturing General under file DASZ 34/2011.

July 13, 2016 – Council concurred in the recommendation of the Executive Policy Committee and approved the subdivision/rezoning of the subject property from “M3” Manufacturing Heavy to “M2” Manufacturing General under file DASZ 15/2016 subject to a Zoning Agreement that relates to plan approval. However, given that its more than 2 years since the application was approved by Council without being concluded by the applicant, DASZ 15/2016 has now expired.

May 4, 2016 – The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, and approved a temporary change of use for a period not to exceed five (5) years to permit the establishment of an office use on proposed Lot 1 under file DAV 16-115253/C. The Use Variance expires on the 9th of May, 2021.

CONSULTATION

The City’s Administrative Coordinating Group was consulted in the preparation of this report.

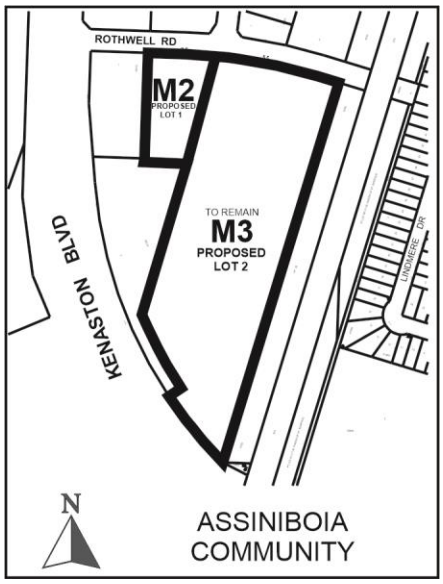
SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo, MCIP, RPP
Date:	December 23, 2020
File No.	DASZ 21/2020

1.	Appendix A	Planning Discussion
2.	Schedule “A” Committee	Recommended File No. DASZ 21/2020 Assiniboia Community dated October 26th, 2020.
3.	Schedule “B” 2020	Report of the Administrative Working Group – December 16th,

APPENDIX 'A'

DATE:	December 23, 2020
FILE:	**DASZ 21/2020**
RELATED FILES:	**DASZ 23/1998; DASZ 7/2008; DASZ 34/2011**
COMMUNITY:	Assiniboia
NEIGHBOURHOOD #:	2.668 (Tuxedo-Industrial)
SUBJECT:	To create two industrial zoning lots (proposed Lots 1 & 2) and rezone the proposed Lot 1 from "M3" Manufacturing Heavy to "M2" Manufacturing General.
LOCATION:	25 & 55 Rothwell Road
LEGAL DESCRIPTION:	Lot 3 Plan 55319 WLTO in OTM Lots 60 to 63 Parish of St. Boniface



APPLICANT:	Rothwell Development Corporation (Colin Heckle) 55 Rothwell Road Winnipeg, MB R3P 2M5
OWNER:	Grant Heckle (Rothwell Development Corporation) 55 Rothwell Road Winnipeg, MB R3P 2M5
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is located south side of Rothwell Road, in the Tuxedo Industrial neighbourhood of the Charleswood – Tuxedo – Whyte Ridge ward.
- The property is currently 14.81 acres and has an office building and trucking/storage warehouse on site.
- Under the *Complete Communities Direction Strategy*, the subject site falls within the General Manufacturing Policy Area. The site is currently zoned "M3" Manufacturing Heavy.

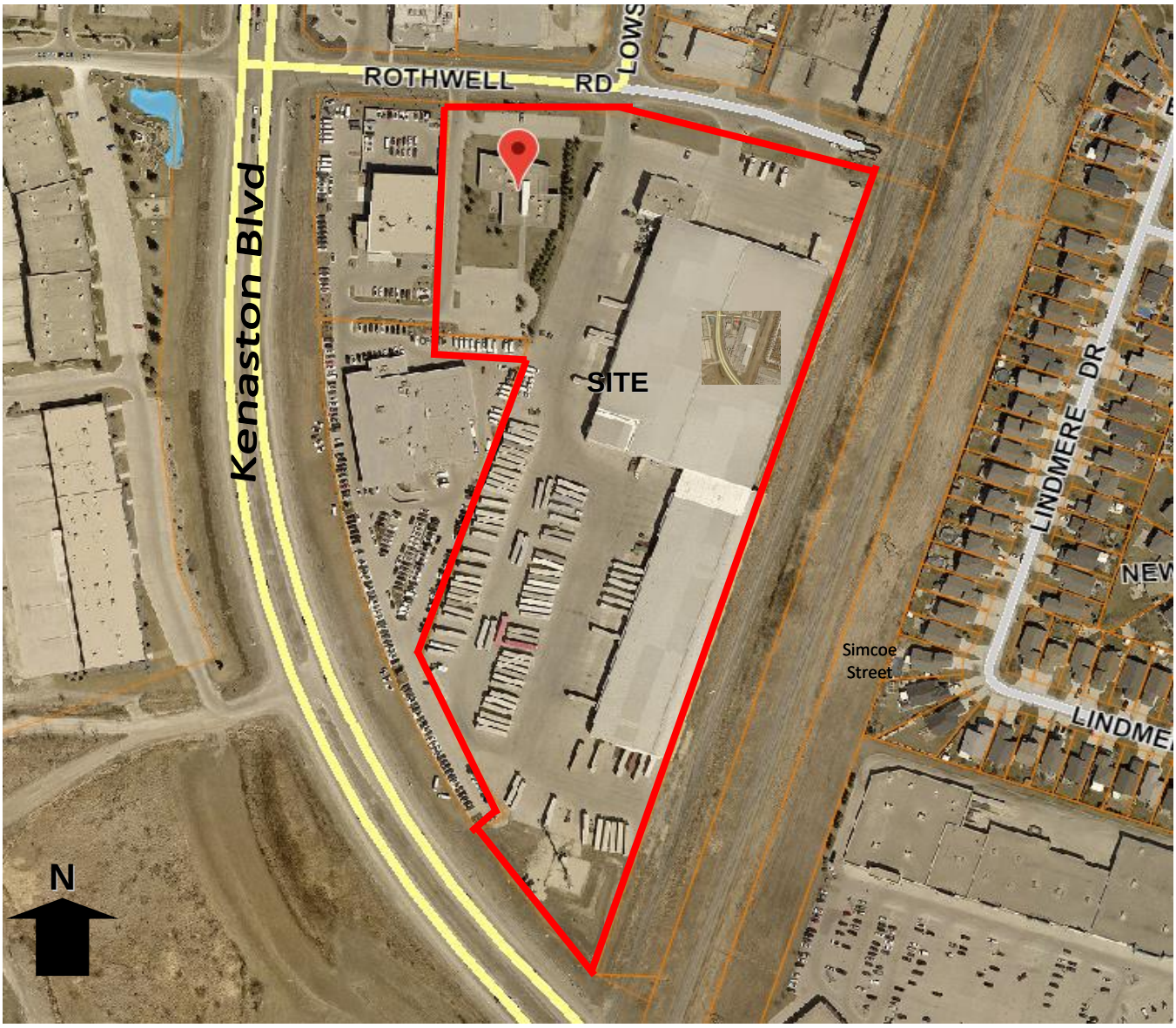


Figure 1: Site map of subject property and surrounding neighbourhood

SURROUNDING ZONING & USES (See Figure 2)

North: Rothwell Road, then industrial uses zoned "M3" Manufacturing Heavy.

South: Kenaston Boulevard, then un-zoned vacant land.

East: CNR rail line, then single-family residences zoned “R1-M” Residential Single-Family-Medium.

West: Commercial and manufacturing uses zoned “M2” Manufacturing General.

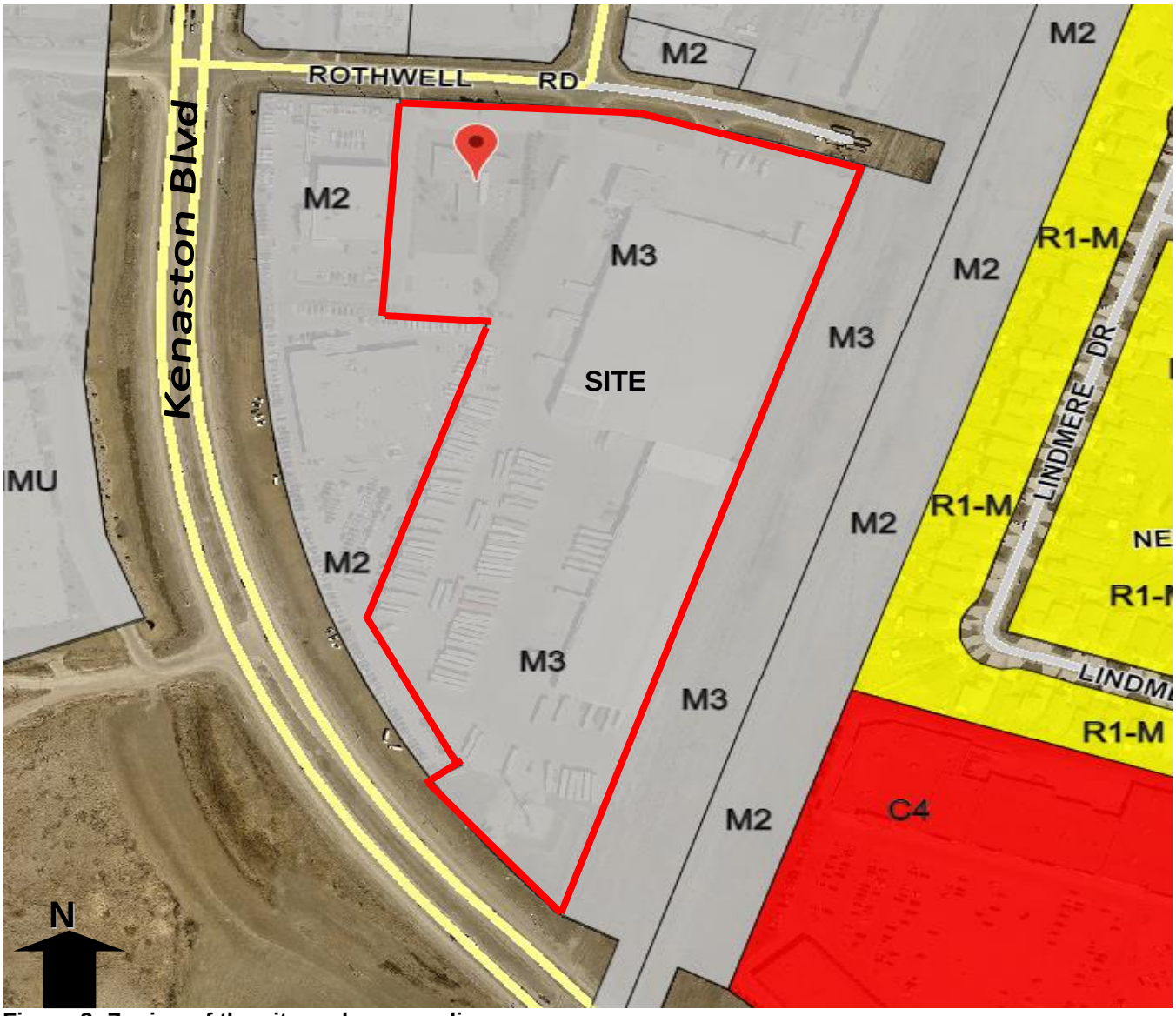


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide existing parcel into two lots. Proposed Lot 1 will be rezoned to the “M2” zoning district and have an approximate lot area of 1.92 acres. Proposed Lot 2 would remain zoned as “M3” and would have a lot area of 12.89 acres.

- The existing building on proposed Lot 1 is to remain and will continue to operate as an office use on site.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site falls within the Employment Lands – Manufacturing Specific Policy Area under the Complete Communities Direction Strategy. Key relevant policies guiding the development in this area 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.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

SUBDIVISION/REZONING

- The applicant intends to subdivide the existing parcel into two, rezone proposed Lot 1 from "M3" Manufacturing Heavy to "M2" Manufacturing General for the maintenance of the existing office uses on site and retain the proposed Lot 2 as "M3" Manufacturing Heavy.
- An office use is a permitted use in the "M3" zoning district as an accessory use but not as a principal use. Office use is a permitted in the "M2" zoning district as a principal use.

- **Current Zoning: "M3" Manufacturing Heavy District**
  The "M3" zoning district is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments or that may require substantial mitigation to avoid sound, noise and odor impacts to neighbouring properties.

- **Proposed Zoning: "M2" Manufacturing Light.**

The “M2” zoning district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

Zoning District	Minimum Lot Area (Sq. Ft.)	Maximum Floor Area Ratio	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Max Building Height (ft.)
M2	**N/A**	**2.0**	**25**	**0**	**0**	**15**	**100**

Note a: Where the rear or side lot line abuts the side or rear lot line of an R1, R2 or RMF zoning district, a 25-foot yard must be provided along the side or rear lot line. The side or rear yard must be landscaped pursuant to sections 188 through 193, *Landscaping and Buffering*, and must not be used for parking or loading areas, storage areas, storage of refuse or materials, or commercial activities of any kind

Table 1: Manufacturing General Zoning District Dimensional Standards.

COMPATIBILITY WITH THE SURROUNDING AREA

- The subject property, which is currently zoned “M3” Manufacturing General is on a single title with two addresses (25 and 55 Rothwell Road). The applicant intends to create two lots from the existing Parcel; the proposed Lot 1 (25 Rothwell Road) and the proposed Lot 2 (55 Rothwell Road).
- The applicant intends to rezone proposed Lot 1, which is currently zoned “M3” Heavy Manufacturing to “M2” Manufacturing General in order to accommodate office uses. The reason being that office uses are permitted as an accessory use to the principal warehouse or manufacturing use in the “M3” zoning district, while an office use is outrightly permitted as a principal use in the “M2” zoning district.
- It is important to note that office use currently exists on site as a permitted accessory use in the “M3” zoning district (a use granted by a temporary change of use variance under file (DAV 16 – 115253C). The change in district from “M3” to “M2” would allow continual operation of the existing office use as a permitted principal use. In a way, this is to bring the existing office use into compliance with the Zoning By-law given that a temporary use variance is for a period of 5 years with no possibility of an extension as per the Winnipeg Charter.
- Thus, the continual operation of office uses on the proposed Lot 1 is consistent with *Complete Communities Direction Strategy* which encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.
- Also, the subject site is surrounded by other uses (employment agency, car dealerships, strip mall, banks, gym) with which an office use is mostly compatible.
- It is equally worth mentioning that there are no variances associated with the proposed subdivision/rezoning application.

- Given the aforementioned, the Urban Planning Division does not anticipate that the maintenance and continual operation of an office in this location will result in any negative impact on adjoining properties.
- It is therefore recommended that the subject subdivision/rezoning application be approved.

Schedule "A" for File No. DASZ 34/11, Assiniboia Community Committee, dated November 29, 2011.

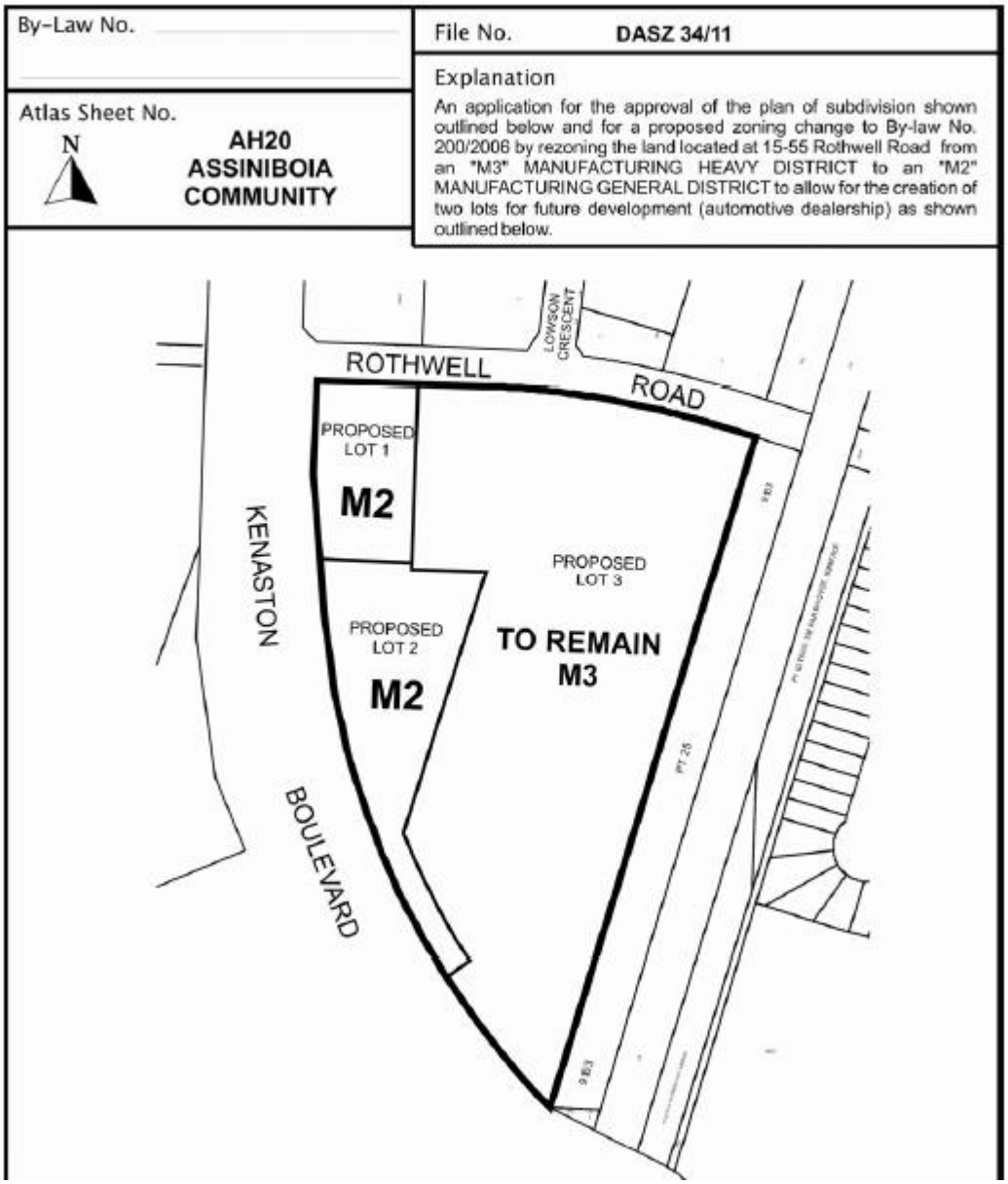


Figure 3: Subject property (Lot 3) as part of a subdivision application under DASZ 34/2011.

KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

PUBLIC APPROACH:

As per Schedule “B” (The Administrative Coordinating Group Report), the City’s Public Works Department advised as follows:

a. That the proposed subdivision will cause the existing private approach (opposite Lowson Crescent) to be non-conforming under the Private Access By-law as the private approach must be a minimum of 3m from the lot line;

b. That private approaches require separate application to the Public Works Department. However, the Public Works Department does not have authority to approve non-conforming private approaches;

c. That the private approach application will need to be reviewed by the Standing Policy Committee on Infrastructure, Renewal and Public Works.

EXISTING ZONING AGREEMENT

The existing Zoning Agreement as per DASZ 34/2011 (see Figure 3) remains.

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%.
- For this application, ‘cash in lieu’ is recommended as determined by the Planning, Property and Development Department.

RECOMMENDATION

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

- The subdivision of the subject property into two lots (proposed lots 1 & 2) and the rezoning of the proposed Lot 1 to “M2” Manufacturing General for the maintenance of office uses aligns with the policies in the *Complete Communities Direction Strategy.*
- The proposed rezoning allows continual operation of the office use on site as of right once the temporary change of use variance expires.
- The proposal is consistent and compatible with existing form, scale and uses within the immediate vicinity given that the entire area is transitioning away from heavy industrial uses.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 21/2020

Schedule "A" for File No. DASZ 21/2020, Assiniboia Community Committee, dated October 26, 2020.

By–Law No. _____

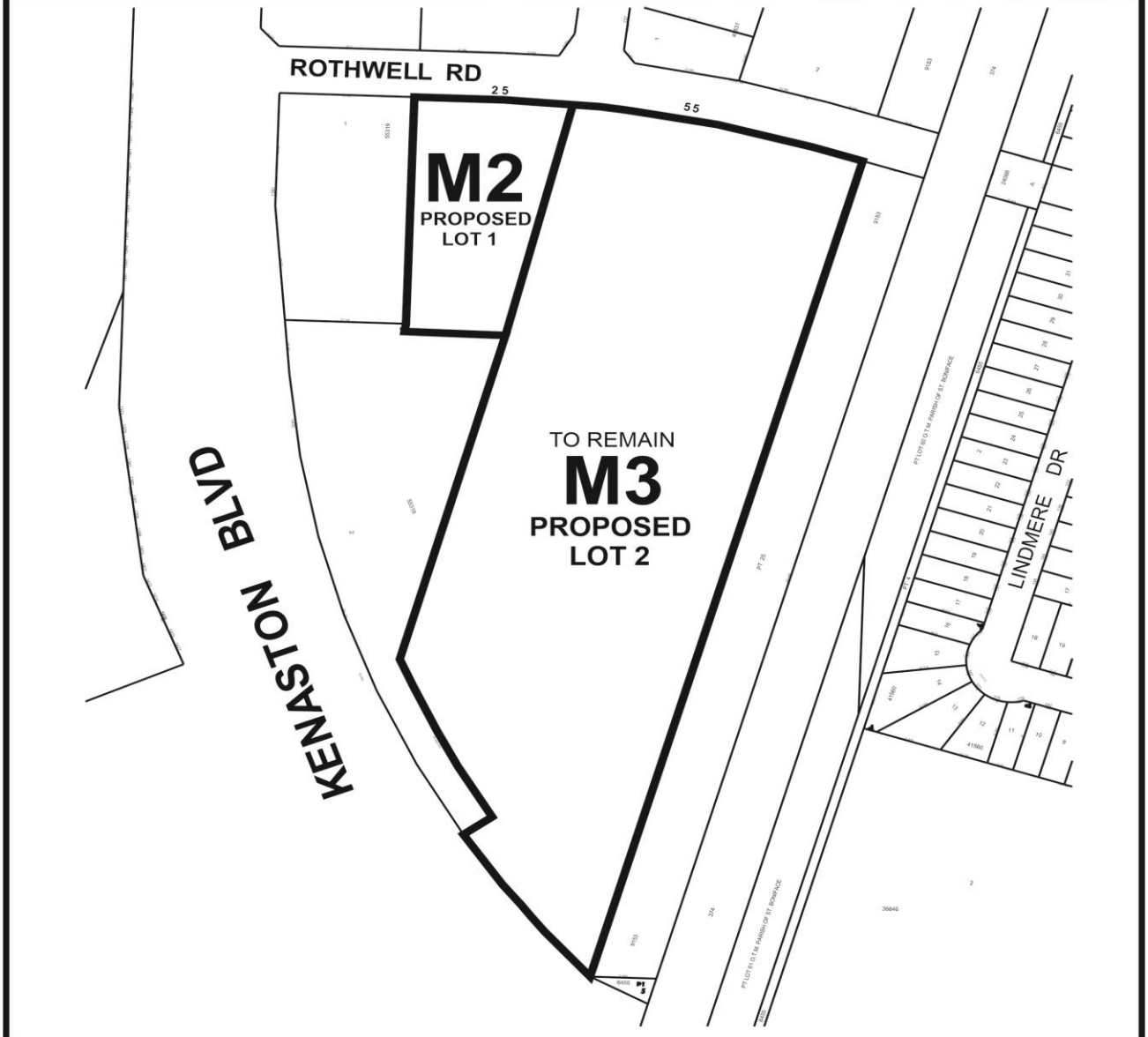
File No. **DASZ 21/2020**

Atlas Sheet No. **AH20**
ASSINIBOIA COMMUNITY

N

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 25 and 55 Rothwell Road from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to facilitate the creation of two (2) lots and to allow the maintenance of an Office use.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 25 AND 55 ROTHWELL ROAD

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 21/2020. The applicant should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site

Section I – General Comments

1) The Public Works Department wishes to advise the following:

   d. the proposed subdivision will cause the existing private approach (opposite Lowson Crescent) to be non-conforming under the Private Access By-law as the private approach must be a minimum of 3m from the lot line;

   e. private approaches require separate application to the Public Works Department; however, the Public Works Department does not have authority to approve non-conforming private approaches;

   f. the private approach application will need to be reviewed by the Standing Policy Committee on Infrastructure, Renewal and Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 21/2020
December 16, 2020

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.,
Land Development Branch
Planning, Property and Development Department

"Original Signed by C.J. Desjardine"
C.J. Desjardine, M.Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit “9” referred to in File DASZ 21/2020

