Minute No. 155
Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 5 Rezoning - 1080 Waverley Street
File DAZ 261/2004

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 261/2004 dated November 3, 2004, to a "M1-B" Industrial District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That the following uses be prohibited:

         a. Amusement enterprises
         b. Animal pound, training, kennel
         c. Appliances: rental, sales, service
         d. Arena, auditorium, stadium
         e. Auction room
         f. Automobile related uses
         g. Awning: manufacture, rental, sales
         h. Bakery
         i. Banquet hall, dance hall
         j. Beverages: manufacture, bottling
         k. Bicycle: manufacture
         l. Bingo parlour
         m. Boat: rental, manufacture, sales
         n. Bowling alley
         o. Brewery/distillery
         p. Building materials/hardware and similar
         q. Building/construction contractor's establishment
         r. Clothing: manufacture, needle trades
         s. Drive-through/drive-in facility
         t. Exterminator

Report - Standing Policy Committee on Property and Development - January 10, 2005

COUNCIL DECISION (continued)

u. Farm implement sales/service
v. Farm supplies sales
w. Fish processing, packing
x. Food products processing
y. Fuel sales
z. Furnishings, household, office, manufacture
aa. Glass products: manufacture
bb. Landscape/garden supplies sales
cc. Landscape contractor
dd. Laundry/linen supply
ee. Laundry, self-service
ff. Leather, hides, fur, bone, hair products: processing
gg. Liquor sales
hh. Lumber yard
ii. Luggage manufacture
jj. Machinery/heavy equipment, rental, sales, service
kk. Metal products: manufacture
ll. Motors/machines, recreation/utility, repair, rental, sales, manufacture
mm. Moving or storage establishment
nn. Outside display/storage
oo. Pawn shop
pp. Plastic products: manufacture
qq. Poultry hatchery
rr. Prefabricated buildings, display, sales, manufacture, storage
ss. Radio or television tower, non-accessory
tt. Recycling depot
uu. Stone or monuments: sales
vv. Terminal for courier, delivery, express, taxi, and similar
ww. Theatre, cinema
xx. Tile or other Ceramic Products, manufacture
yy. Tire; re-treading, sales, service
zz. Towing service
aaa. Truck, trailer, recreational vehicle, bus, repair, rental, sales, washing
bbb. Warehousing; cold storage, rental storage units
ccc. Welding or soldering shop
ddd. Wood products: manufacture

B. That mobile signs and temporary signs be prohibited on the site.

Report - Standing Policy Committee on Property and Development - January 10, 2005

COUNCIL DECISION (continued)

2. That a ten percent (10%) per cent 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 the 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 same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, as amended, namely:

- Recommendation 5
  That the words “as a first charge” be deleted in the second line,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the City Centre Community Committee concurred in the addendum administrative recommendation dated December 7, 2004, and submitted its recommendation to the Standing Policy Committee on Property and Development.

On November 16, 2004, the City Centre Community Committee adjourned the public hearing to its meeting on December 14, 2004.

RE: **Rezoning - 1080 Waverley Street**
File DAZ 261/2004 [c/r DAV 331770/2004D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **December 16, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the City Centre Community Committee concurred in the addendum administrative recommendation dated December 7, 2004, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 261/2004 dated November 3, 2004, to a "M1-B" Industrial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That the following uses be prohibited:

            a. Amusement enterprises
            b. Animal pound, training, kennel
            c. Appliances: rental, sales, service
            d. Arena, auditorium, stadium
            e. Auction room
            f. Automobile related uses
            g. Awning: manufacture, rental, sales
            h. Bakery
            i. Banquet hall, dance hall
            j. Beverages: manufacture, bottling
            k. Bicycle: manufacture
            l. Bingo parlour
            m. Boat: rental, manufacture, sales
            n. Bowling alley
            o. Brewery/distillery
            p. Building materials/hardware and similar

q. Building/construction contractor's establishment
r. Clothing: manufacture, needle trades
s. Drive-through/drive-in facility
t. Exterminator
u. Farm implement sales/service
v. Farm supplies sales
w. Fish processing, packing
x. Food products processing
y. Fuel sales
z. Furnishings, household, office, manufacture
aa. Glass products: manufacture
bb. Landscape/garden supplies sales
cc. Landscape contractor
dd. Laundry/linen supply
ee. Laundry, self-service
ff. Leather, hides, fur, bone, hair products: processing
gg. Liquor sales
hh. Lumber yard
ii. Luggage manufacture
jj. Machinery/heavy equipment, rental, sales, service
kk. Metal products: manufacture
ll. Motors/machines, recreation/utility, repair, rental, sales, manufacture
mm. Moving or storage establishment
nn. Outside display/storage
oo. Pawn shop
pp. Plastic products: manufacture
qq. Poultry hatchery
rr. Prefabricated buildings, display, sales, manufacture, storage
ss. Radio or television tower, non-accessory
tt. Recycling depot
uu. Stone or monuments: sales
vv. Terminal for courier, delivery, express, taxi, and similar
ww. Theatre, cinema
xx. Tile or other Ceramic Products, manufacture
yy. Tire; re-treading, sales, service
zz. Towing service
aaa. Truck, trailer, recreational vehicle, bus, repair, rental, sales, washing
bbb. Warehousing; cold storage, rental storage units
ccc. Welding or soldering shop
ddd. Wood products: manufacture

B. That mobile signs and temporary signs be prohibited on the site.

2. That a ten percent (10%) per cent 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 the market value of the land.

3. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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 same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the addendum report from the Manager of Planning and Land Use dated December 7, 2004.

2. That the permitted uses were compatible with the site.

PUBLIC HEARING SUMMARY

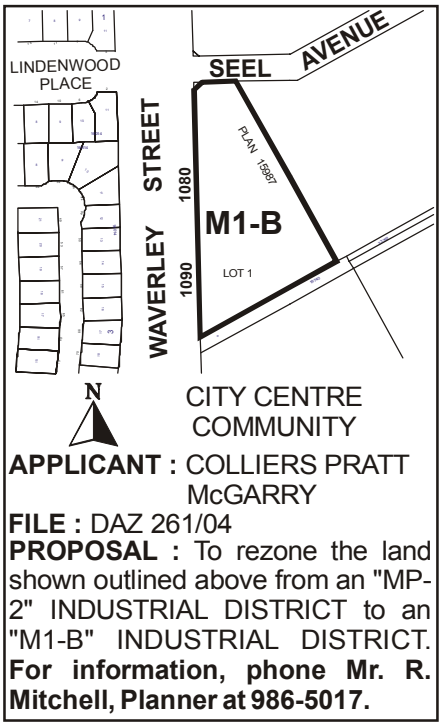
File: DAZ 261/2004 [c/r DAV 331770/2004D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: December 14, 2004
Council Chamber, 510 Main Street
November 16, 2004
West Committee Room, 510 Main Street

Applicant: Colliers Pratt McGarry (Murray MacRae)

Subject:



Premises Affected: 1080 Waverley Street

Exhibits Filed:

1. Application dated October 19, 2004
2. Notification of Public Hearing dated October 21, 2004
3. Manitoba Status of Title 1463905
4. Letter of authorization dated October 18, 2004 from Pamela Eagleton, of Martin Eagleton Ltd., on behalf of 3375005 Manitoba Ltd. to The City of Winnipeg
5. Drawing of subject property dated May 9, 1990
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated November 3, 2004
8. Inspection Report
9. Addendum Report from Manager of Planning and Land Use dated December 7, 2004

REPRESENTATIONS:

In Support:

Murray MacRae, Colliers Pratt McGarry

In Opposition

Nil

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

November 16, 2004

The applicant, Murray MacRae, Colliers Pratt McGarry, appeared in support of the application. Mr. MacRae inquired as to the list of prohibited uses

The Senior planner advised that not all uses would suit the subject building and site.

Mr. MacRae requested time to discuss the list of prohibited uses with the owner of the property.

December 14, 2004

The applicant, Murray MacRae, Colliers Pratt McGarry, appeared in support of the application. Mr. MacRae inquired as to the revised list of prohibited uses.

The Senior Planner stated that the prohibited uses were not an appropriate use of the site.

Exhibit "7" referred to in File DAZ 261/2004 [c/r DAV 331770/2004D]

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 261/04 (DAV 04331770D) November 3, 2004
Our c/f CP 500 (.652)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location: 1080 Waverley Street south of Seel Avenue
City Centre Community Committee
File No. DAZ 261/04

An application has been received from Colliers Pratt McGarry (Murray MacRae), to amend By-Law No. 6400/94 by rezoning the land shown below from a "MP-2" Industrial District to a "M!-B" Industrial District to allow for a wider range of commercial uses on the premises including a beauty salon.

RELATED FILES: DAV04-331770D



SITE DESCRIPTION:

Site Area: Approximately 3.3 acres

Existing Land Use and Zoning: Commercial complex zoned "MP-2" Industrial District

Surrounding Land Use and Zoning: The property is within the Buffalo Industrial Neighbourhood, zoned "MP-2" Industrial District. To the west is the Lindenwoods Neighbourhood zoned "R1-5" Single-family Residential District.

DEVELOPMENT DESCRIPTION:

The property consists of two buildings, a two-storey, 28,600 square-foot office building at 1090 Waverley, and a one-storey, 26,975 square-foot strip centre at 1080 Waverley initially designed to contain 13 rental units. The site provides parking for about 168 cars, or 1 vehicle for every 330 square feet of gross floor area. In comparison, the retail requirement is 1 stall for every 250 square feet of gross floor area, and the office requirement is 1 stall for every 750 square feet of gross floor area. The site is accessed from Waverley northbound with separate right-in and right-out approaches. The site provides access to Seel Avenue as well, which is signalized at Waverley.

The applicant wishes to lease a vacant unit in the strip centre for use as a beauty salon. This commercial use is not permitted in the "MP-2" district, which was intended to encourage industrial development with a high standard of building design and site landscaping. The subject development meets this standard with brick buildings and extensive landscaping. However, as the building at 1080 Waverley was designed with the appearance of a commercial strip centre, the Division has turned away several inquiries over the years for commercial uses that are not permitted in the "MP-2" zoning district. The location of the development on a busy street across from Lindenwoods also encourages people to inquire about commercial opportunities.

Beauty salons are permitted in 4 industrial zoning districts including "M1", "M1-B" and "M2" districts. In discussions with the Division, the applicant decided to apply for a rezoning to "M1-B" Industrial District, a less restrictive zoning category that permits offices and several commercial uses.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The two-storey office component at 1090 Waverley contains a dental clinic and a travel agency. The strip centre at 1080 Waverley contains offices with facia signage indicating the following tenants with business names capitalized: Molson's, Manitoba Hydro, Tekrion, Entertainment,

Creative Design Studio, Diageo, Linden Ridge Animal Hospital and Centennial Pet Grooming, a psychologist, a chiropractor, Total Offices, and Partners for Learning Education Centre.

The Division is prepared to support this application. It is recommended that a Zoning Agreement be placed on the property prohibiting uses that would not be compatible with the location. The rezoning will enable the applicant greater flexibility in leasing the rental units and office space, and will allow uses that are compatible with the design of the buildings and the surrounding area.

RECOMMENDATION:

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 261/04, attached hereto and dated November 3, 2004, to a "M1-B" Industrial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That the following uses be prohibited:

- Amusement devices
- Amusement enterprises
- Animal pound, training, kennel
- Appliances: rental, sales, service
- Arena, auditorium, stadium
- Auction room
- Automobile related uses
- Awning: manufacture, rental, sales
- Bakery
- Banquet hall, dance hall
- Beer sales
- Beverages: manufacture, bottling
- Bicycle: manufacture
- Bingo parlour
- Boat: rental, manufacture, sales
- Bowling alley
- Brewery/distillery
- Building materials/hardware and similar
- Building/construction contractor's establishment
- Clothing: manufacture, needle trades
- Cocktail lounge
- Drive-through/drive-in facility

- Exterminator
- Farm implement sales/service
- Farm supplies sales
- Fish processing, packing
- Food products processing
- Fuel sales
- Furnishings, household, office, manufacture
- Grocery store; confectionary
- Glass products: manufacture
- Landscape/garden supplies sales
- Landscape contractor
- Laundry/linen supply
- Laundry, self-service
- Leather, hides, fur, bone, hair products: processing
- Liquor sales
- Lumber yard
- Luggage manufacture
- Machinery/heavy equipment, rental, sales, service
- Metal products: manufacture
- Motors/machines, recreation/utility, repair, rental, sales, manufacture
- Moving or storage establishment
- Outside display/storage
- Pawn shop
- Plastic products: manufacture
- Poultry hatchery
- Prefabricated buildings, display, sales, manufacture, storage
- Radio or television tower, non-accessory
- Recycling depot
- Rental establishment
- Restaurant
- Second hand store
- Stone or monuments: sales
- Terminal for courier, delivery, express, taxi, and similar
- Theatre, cinema
- Tile or other Ceramic Products, manufacture
- Tire; retreading, sales, service
- Towing service
- Truck, trailer, recreational vehicle, bus, repair, rental, sales, washing
- Warehousing; cold storage, rental storage units
- Welding or soldering shop
- Wood products: manufacture

2. That mobile signs and temporary signs be prohibited on the site.

II. That a ten (10) per cent 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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

VII. 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.

Sincerely,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)



Figure 1: Air photo of site and surrounding area.

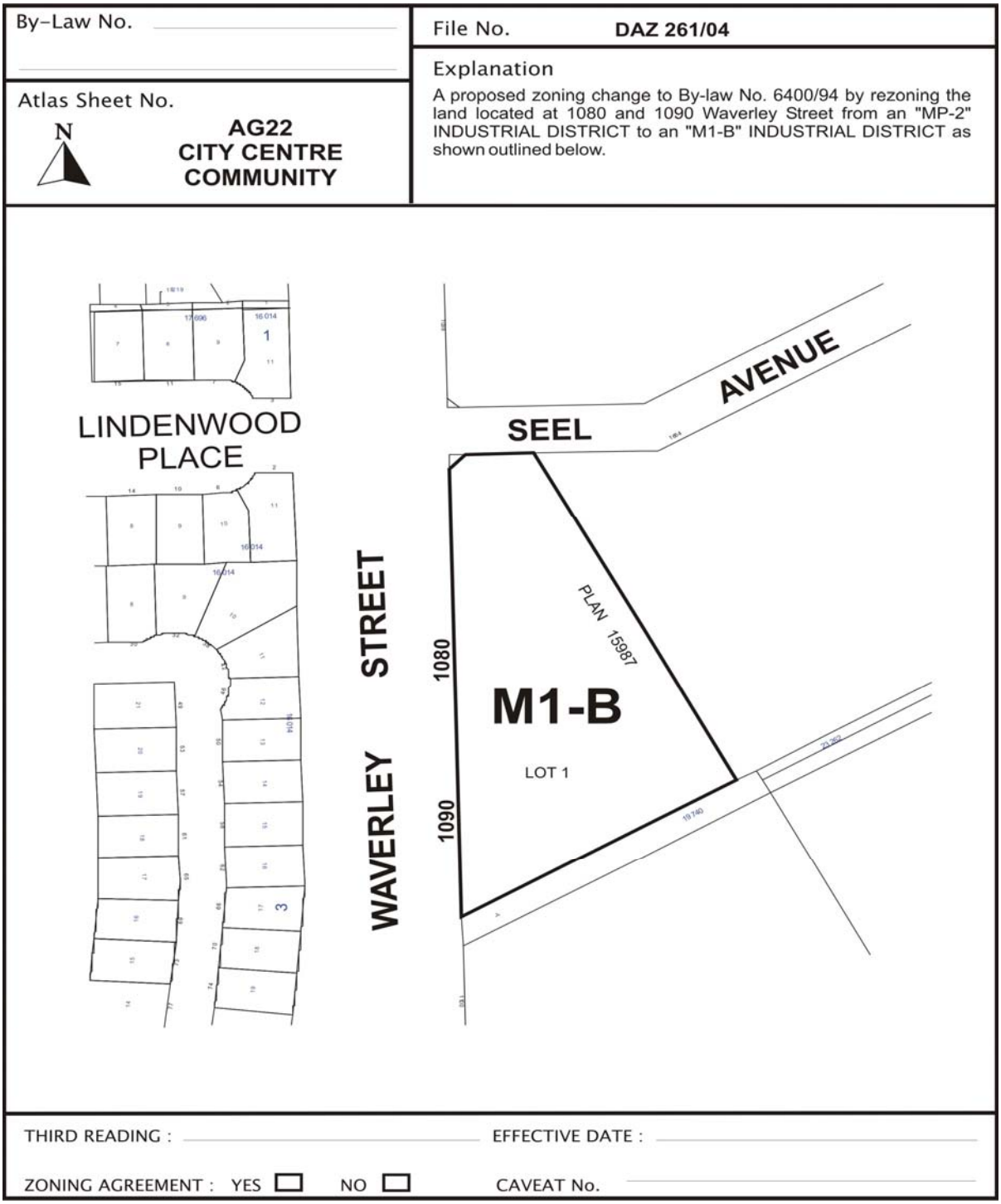


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 261/04, dated November 3, 2004.

Exhibit "9" referred to in File DAZ 261/2004 [c/r DAV 331770/2004D]

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 261/04 (DAV 04331770D) (Addendum) December 7, 2004
Our c/f CP 500 (.652)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location: 1080 Waverley Street south of Seel Avenue
City Centre Community Committee
File No. DAZ 261/04

In consultation with the applicant, the Division has agreed to amend the recommendations in the Zoning Agreement as follows:

RECOMMENDATION:

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 261/04, attached hereto and dated November 3, 2004, to a "M1-B" Industrial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

2. That the following uses be prohibited:

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- Auction room

- Automobile related uses
- Awning: manufacture, rental, sales
- Bakery
- Banquet hall, dance hall
- Beverages: manufacture, bottling
- Bicycle: manufacture
- Bingo parlour
- Boat: rental, manufacture, sales
- Bowling alley
- Brewery/distillery
- Building materials/hardware and similar
- Building/construction contractor's establishment
- Clothing: manufacture, needle trades
- Drive-through/drive-in facility
- Exterminator
- Farm implement sales/service
- Farm supplies sales
- Fish processing, packing
- Food products processing
- Fuel sales
- Furnishings, household, office, manufacture
- Glass products: manufacture
- Landscape/garden supplies sales
- Landscape contractor
- Laundry/linen supply
- Laundry, self-service
- Leather, hides, fur, bone, hair products: processing
- Liquor sales
- Lumber yard
- Luggage manufacture
- Machinery/heavy equipment, rental, sales, service
- Metal products: manufacture
- Motors/machines, recreation/utility, repair, rental, sales, manufacture
- Moving or storage establishment
- Outside display/storage
- Pawn shop
- Plastic products: manufacture
- Poultry hatchery
- Prefabricated buildings, display, sales, manufacture, storage
- Radio or television tower, non-accessory
- Recycling depot
- Rental establishment

- Stone or monuments: sales
- Terminal for courier, delivery, express, taxi, and similar
- Theatre, cinema
- Tile or other Ceramic Products, manufacture
- Tire; re-treading, sales, service
- Towing service
- Truck, trailer, recreational vehicle, bus, repair, rental, sales, washing
- Warehousing; cold storage, rental storage units
- Welding or soldering shop
- Wood products: manufacture

2. That mobile signs be prohibited on the site.

II. That a ten (10) per cent 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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

VII. 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.

Sincerely,

_____

Per: Ross Mitchell, Senior Planner
(City Centre Community)