Minute No. 524
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 12 Subdivision and Rezoning - 2005 St. Mary's Road
File DASZ 12/2005

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 12/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2005 dated May 10, 2005, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2005 dated May 10, 2005, to a "C2" Commercial District.

4. 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 and the creation of additional sites (if applicable).

5. That the developer provide and legally open, at no cost to the City, property required to widen the St. Mary's Road right-of-way by 1.825 metres (5.99 feet) along the full length of the subject property abutting St. Mary's Road.

6. 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.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

Report - Standing Policy Committee on Property and Development - June 7, 2005

COUNCIL DECISION (continued):

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - June 7, 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 June 22, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 2005 St. Mary's Road**
File DASZ 12/2005

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **May 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 12/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2005, dated May 10, 2005, for registration in the Winnipeg Land Titles Office.

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

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2005, dated May 10, 2005, to a "C2" Commercial District.

4. 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 and the creation of additional sites, (if applicable).

5. That the developer provide and legally open, at no cost to the City, property required to widen the St. Mary's Road right-of-way by 1.825 metres (5.99 ft.) along the full length of the subject property abutting St. Mary's Road.

6. 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.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 10, 2005.

PUBLIC HEARING SUMMARY

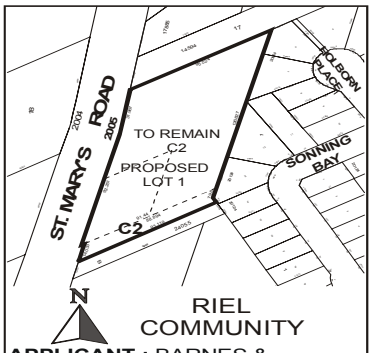
File: DASZ 12/2005

Before: Riel Community Committee
Councillor Magnifico, Chairperson
Councillor Steeves
Councillor Swandel

Public Hearing: May 17, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Barnes and Duncan (Christian Korell)

Subject:



APPLICANT : BARNES & DUNCAN LAND SURVEYORS
FILE: DASZ 12/05
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : BARNES & DUNCAN LAND SURVEYORS
N° DE RÉFÉRENCE : DALZ 12/05
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 2005 St. Mary's Road

Exhibits Filed:

1. Application dated March 22, 2005
2. Notification of Public Hearing dated April 13, 2005
3. Manitoba Status of Titles 1119235, 1664895
4. Caveat Nos. 1385061 and 2442880

5a. Letter of authorization dated January 31, 2005 from St. Vital Evangelical Mennonite Church to Barnes and Duncan Land Surveyors

5b. Letter of authorization dated March 15, 2005 from The City of Winnipeg to Barnes and Duncan Land Surveyors

6. Zoning Agreement dated September 24, 1989
7. Plan (1page)
8. Report from the Manager of Planning and Land Use dated May 10, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:
Nil

In Opposition
Nil

For the City:
Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

No persons registered with respect to the application.

Exhibit "8" referred to in File DASZ 12/2005

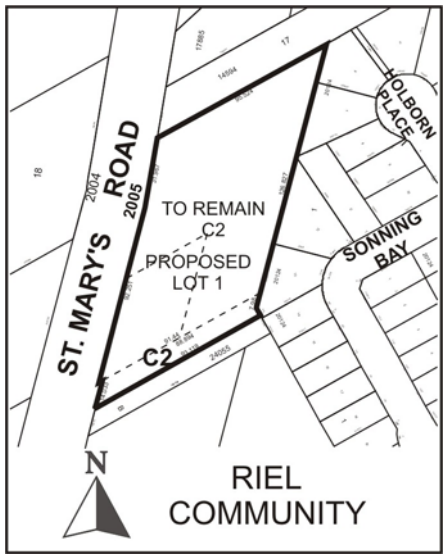
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: May 10/05
File: DASZ 12 /04
Related Files: NA
Subject: To rezone existing Parcel A, Plan 24055, from "C1" Commercial District to a"C2" Commercial District category and consolidate it with the adjoining C2 site (Evangelical Mennonite Church) to the north.

Location: 2005 St. Mary's Road
Legal Description: Lots 35& 36 Plan 19857 & Parcel A, Plan 24055



Applicant: Barnes & Duncan
Owner: The Evangelical Mennonite Church

Recommendation: (Approved with Conditions)

Site Description

The subject property lies adjacent to and on the south side of the land currently occupied by the Evangelical Mennonite Church. It is 14 metres wide and has an approximate depth of 92 metres. Its overall area totals 9730 sq. ft. It is bounded on the south by a large tract of land which is currently in the process of being rezoned to a multiple family category to allow for a large housing project. To the east is an established housing subdivision zoned R1-5 and to the west is a mix of small commercial businesses and undeveloped agricultural land. The parcel in question forms part of what was once a possible right-of-way connection linking St. Mary's Road with emerging new neighbourhoods to the east; it is now completely obsolete and surplus to the City's needs.

Background

In 1999, the adjoining three acre parcel to the north was purchased by the EMC Church for a church, gymnasium, library and accessory parking areas. The land was subsequently rezoned to a C2 Commercial category (DAZ 203/99) in order to permit the above noted uses. In the interim, it has become apparent to the church that the current parking area is not adequate to meet future needs. The church has therefore acquired from the City, the subject parcel, in order to expand upon the current parking area.

Description of the Proposed Development

Specific details of the revised parking layout have not as yet been submitted for evaluation and approval. Those changes to the site layout will have to be reflected in a revised set of site plans which will have to be submitted and approved by the Riel Community Committee prior to the issuance of any new development permits. It should be noted that the Public Works Dept. will require the applicant to provide a 1.825 m (5.99 ft) strip of land along the full length of the west periphery of the subject land. The purpose of this widening is required in order to ensure that the existing public sidewalk along this section of St. Mary's Road is contained within the street right-of-way on public land.

Analysis

The Planning and Land Use Dept. has reviewed the proposed application to rezone and consolidate and is of the view that the sale of the subject property will be of benefit to both the

City and the applicant. The subject parcel is of little use to the City but will be of great benefit to the EMC Church by addressing some of their future parking concerns. In addition, the expansion of parking along the south boundary of the current site will not , in our view, have any adverse effect on surrounding property owners.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The proposed rezoning and consolidation will not adversely affect adjoining developments, either existing or imminent, to the south or east.
- The subject property is surplus to the City's needs but will be required to meet anticipated parking needs for the church in years to come.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 12/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "a" for File No. DASZ 12/05, attached hereto and dated May 10/05, for registration in the Winnipeg Land Titles Office.

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

III. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 12/05, attached hereto and dated May 10/05, to a "C2" Commercial District.

IV. That a ten (10) percent 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 and the creation of additional sites, (if applicable).

V. That the developer provide and legally open, at no cost to the City, property required to widen the St. Mary's Road right-of-way by 1.825 metres (5.99 ft.) along the full length of the subject property abutting St. Mary's Road.

VI. 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.

VII. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VIII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

X. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XI. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # (.529)

By-Law No. _____

File No. **DASZ 12/05**

Explanation

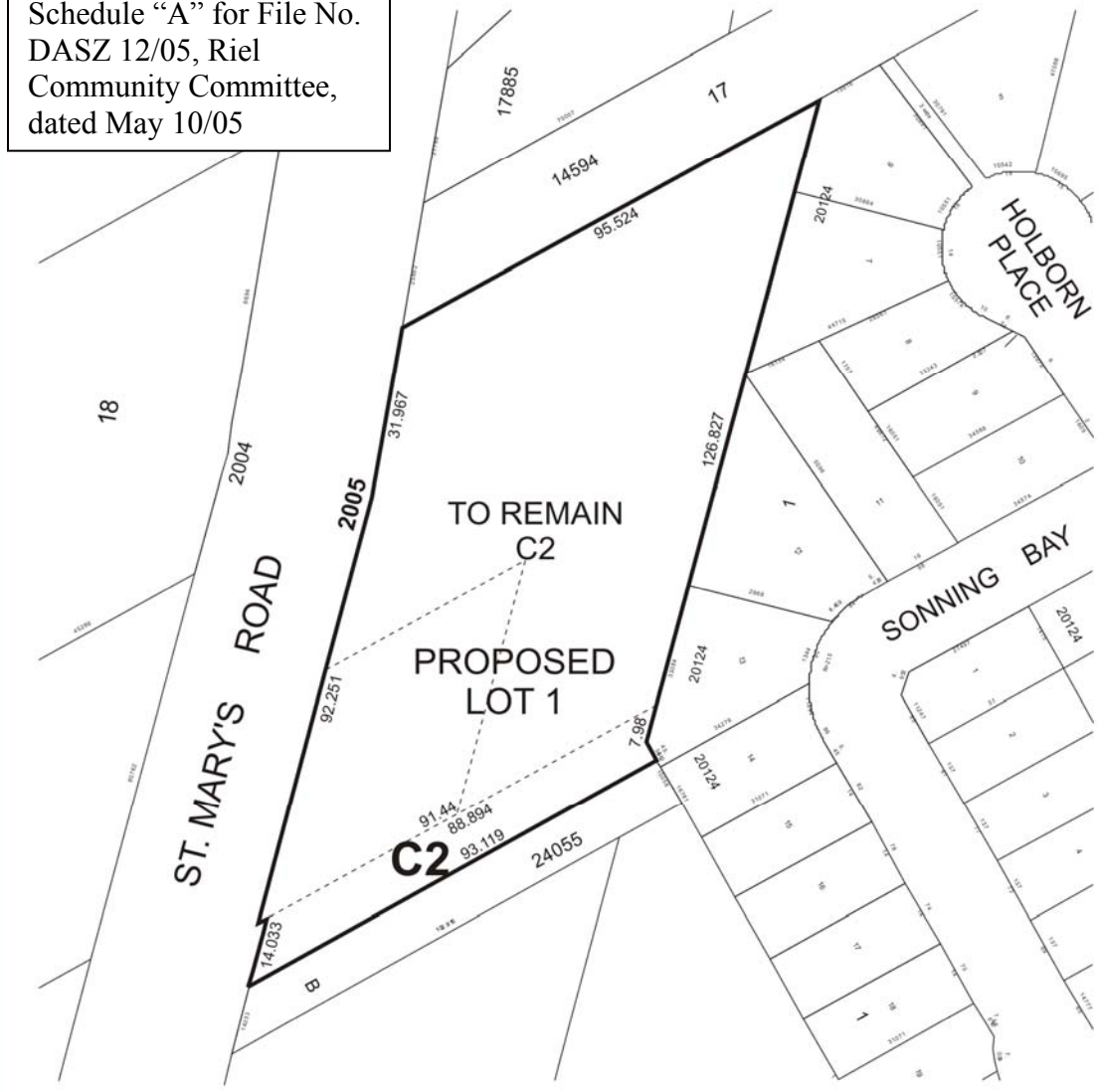
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2005 St. Mary's Road from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AK27
RIEL
COMMUNITY

Schedule "A" for File No. DASZ 12/05, Riel Community Committee, dated May 10/05



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____