Minutes - Executive Policy Committee – July 20, 2005

Minute No. 522
Report - Standing Policy Committee on Property and Development – July 18, 2005

Item No. 13 Rezoning - 1291 McGillivray Boulevard
File DAZ 218/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

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 218/2005 dated June 7, 2005, 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 final plans, showing the location and details of landscaping, signage, fencing, lighting and garbage enclosures shall be submitted to the City Centre Community Committee and the Director of the Planning and Land Use Division 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.

      ii. That the use of the land be limited to the following:
         a. funeral home
         b. crematorium
         c. cemetery
         d. accessory uses

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 the market value of the land.

3. That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591 (1) of the City of Winnipeg Charter Act containing the four (4) conditions outlined in the Administrative Coordinating Group Report dated June 22, 2001.

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4. 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.

5. 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.

6. 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.

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

8. 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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That Rule 9.3 of the Procedure By-law be suspended in order that the following item, which was received too late to be placed on the regular agenda, be considered by Committee.

Carried

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1291 McGillivray Boulevard**
File DAZ 218/2005

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

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

Report date: **July 7, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation 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 218/2005, dated June 7, 2005, 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 final plans, showing the location and details of landscaping, signage, fencing, lighting and garbage enclosures, shall be submitted to the City Centre Community Committee and the Director of the Planning and Land Use Division 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.

        ii. That the use of the land be limited to the following:
            a. funeral home
            b. crematorium
            c. cemetery
            d. accessory uses

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 the market value of the land.

3. That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591 (1) of the City of Winnipeg Charter Act, containing the four (4) conditions outlined in the Administrative Coordinating Group Report dated June 22, 2001.

4. 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.

5. 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.

6. 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.

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

8. 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 report of the Manager of Planning and Land Use dated June 7, 2005.

PUBLIC HEARING SUMMARY

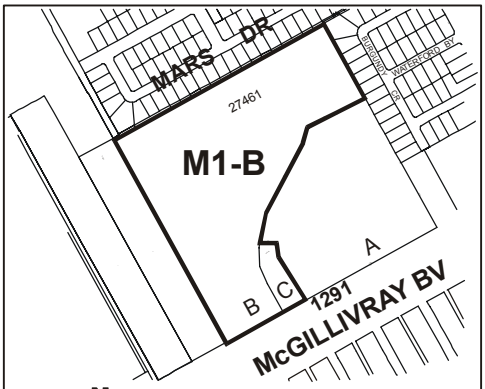
File: DAZ 218 /2005

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

Public Hearing: July 5, 2005
Council Chamber
Council Building, 510 Main Street

Applicant: Alderwoods Group Canada Inc. (James MacQueen)

Subject:



Premises Affected: 1291 McGillivray Boulevard

Exhibits Filed:
1. Application dated April 13, 2005
2. Notification of Public Hearing dated May 6, 2005
3. Manitoba Status of Titles 1408076 and 1939132

4. Letter of authorization dated March 31, 2005, from P. Coutu Funeral Chapels Ltd. and Alderwoods Group Canada Inc. to Alderwood Group Canada Inc.
5. Plans (4 pages)
6. Report from the Manager of Planning and Land Use dated June 7, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

C.L. Chappell, Aikins MacAuley Thorvaldson
Ken Goertzen

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Charles L. Chappel, Aikins MacAuley and Thorvaldson accompanied by Ken Goertzen appeared in support of the application and stated concurrence with the administrative recommendation.

Exhibit "6" referred to in File DAZ 218/2005

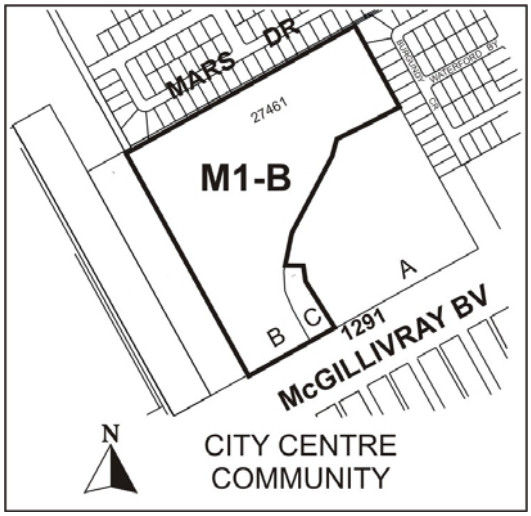
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: June 7, 2005
File: **DAZ 218/05**
Related Files: N/A
Subject: To rezone an existing cemetery property zoned 'R1.5' Residential and 'C2' Commercial to accommodate an existing funeral home crematorium and potential further development.

Location: 1291 McGillivray Boulevard
Legal Description: PCLS B/C Plan 27461



Applicant: Alderwoods Group Canada Inc. (Mr. James MacQueen)
Owner: P. Coutu Funeral Chapels Ltd.

Recommendation: Approved with Conditions

Report Summary:

6660

- Identical rezoning application in June of 2001, (DAZ 213/01) Approved by Council September 26, 2001.
- Zoning and Servicing Agreements not proceeded with prior to deadline
- New rezoning process required

Site Description

Existing land Use and Zoning

The subject site is approximately 20.77 acres in size. There is an existing funeral parlour and crematorium on the western portion of the site. A cemetery is located on the adjacent eastern lot and is part of the overall facility. The subject site consists of two parcels the large parcel is currently zoned 'R1-5' Residential and the smaller parcel is zoned 'C2' Commercial.

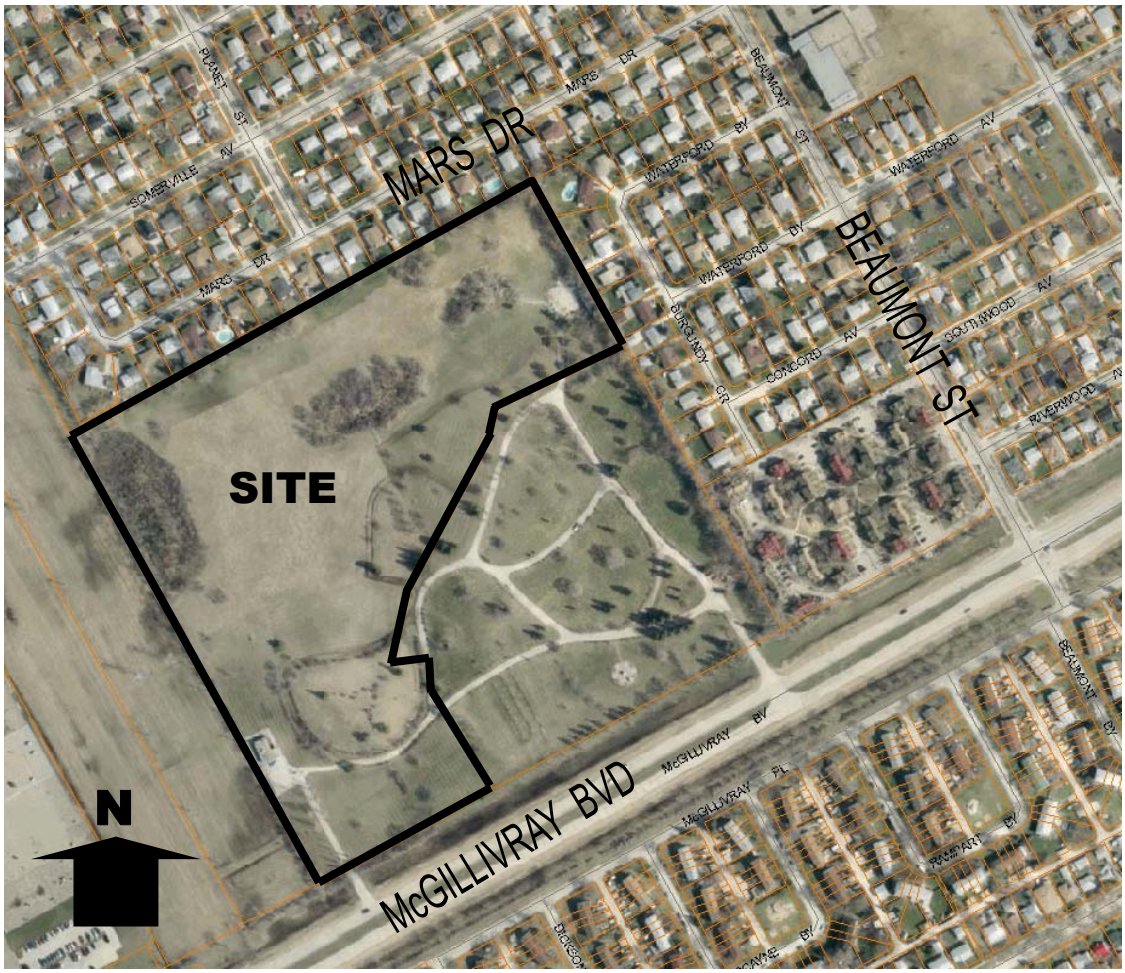


Figure 1: Subject Site (Aerial Photography Flown 2002)

Surrounding Land Use and Zoning

North: 'R1-5.5' Residential
South: McGillivray Boulevard then 'RM-L' Multiple Family Residential
East: 'C2' Commercial (existing cemetery use)
West: 'A' Agricultural (Manitoba Hydro Right of Way – power lines)

Background

- June 2001 (DAZ 213/01) Rezoning approved for 'M1-B' Industrial
- June 2001 (DAV 321/01D) Use Variance & Setback Variances approved
- June 2001 (DCU 133/01) Conditional Use to establish Crematorium granted
- May 2002 Memorial Park constructed and operating
- July 2003 Change of Use variance expired
- September 26, 2003 Rezoning Expired - Applicant did not enter into Zoning and Servicing Agreements before deadline
- Facility operating without the required zoning in place

Description of the Proposed Development

The Garry Memorial Park has been operating on the site since 2002. The facility includes a funeral chapel, crematorium, reception, administration offices, parking and landscaping. The cemetery associated with the facility exists on the adjacent property to the east.

Analysis

Plan Winnipeg Compliance
The subject site is located within an Industrial Policy area in Plan Winnipeg 2020. Policy 3A-01 Promote Orderly Development states that the industrial designation signifies areas of concentrated industrial use with the possible inclusion of compatible commercial uses. 3B-06 Accommodate New Industrial Ares discusses evaluation of industrial proposals with an eye on protecting existing residential areas and ensuring the industrial uses have a high standard of design, open space and possible public access.

The Planning and Land Use Division feels that this development complements and respects the Plan Winnipeg objectives sympathetically.

Compatibility with existing neighbourhood and surrounding uses
The Memorial Park has been operating for several years and appears to be compatible with the surrounding land uses. The separation between the uses and buildings on the subject site and the surrounding properties are very significant and therefore incompatibility should not be an issue.

The subject site is over 20 acres in size with the funeral home and crematorium resulting in 1.02% lot coverage. The buildings are located towards the south and west of the property leaving a large open space buffer between them and the residents to the north. The cemetery

occupies a portion of the adjacent lot to the east of the subject site again resulting in a significant open space buffer to the residents located to the east. To the west of the site is a Manitoba Hydro right of way which is approximately 400 feet wide and acts as a natural buffer between the subject site and the industrial uses further east. McGillivray Boulevard borders the property to the south; 300 feet further south is a multiple family area. The separation is significant and incompatibility should not be an issue.

Recommendation

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

- It complies with Plan Winnipeg 3A-01 & 3B-06
- It is compatible with the existing neighbourhood and uses
- 'M1-B' Industrial is a light industrial district subject to a higher level of development standards

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 218/05, attached hereto and dated, June 7, 2005, 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 final plans, showing the location and details of landscaping, signage, fencing, lighting and garbage enclosures, shall be submitted to the City Centre Community Committee and the Director of the Planning and Land Use Division 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.

3. That the use of the land be limited to the following:
   a. Funeral Home
   b. Crematorium
   c. Cemetery
   d. Accessory Uses

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 the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591 (1) of the City of Winnipeg Charter Act, containing

the four (4) conditions outlined in the Administrative Coordinating Group Report dated June 22, 2001.

IV. 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.

V. 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.

VI. 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.

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

VIII. 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.

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

Report Prepared by: James Veitch
PPD File # DAZ 218/05

Schedule "A"

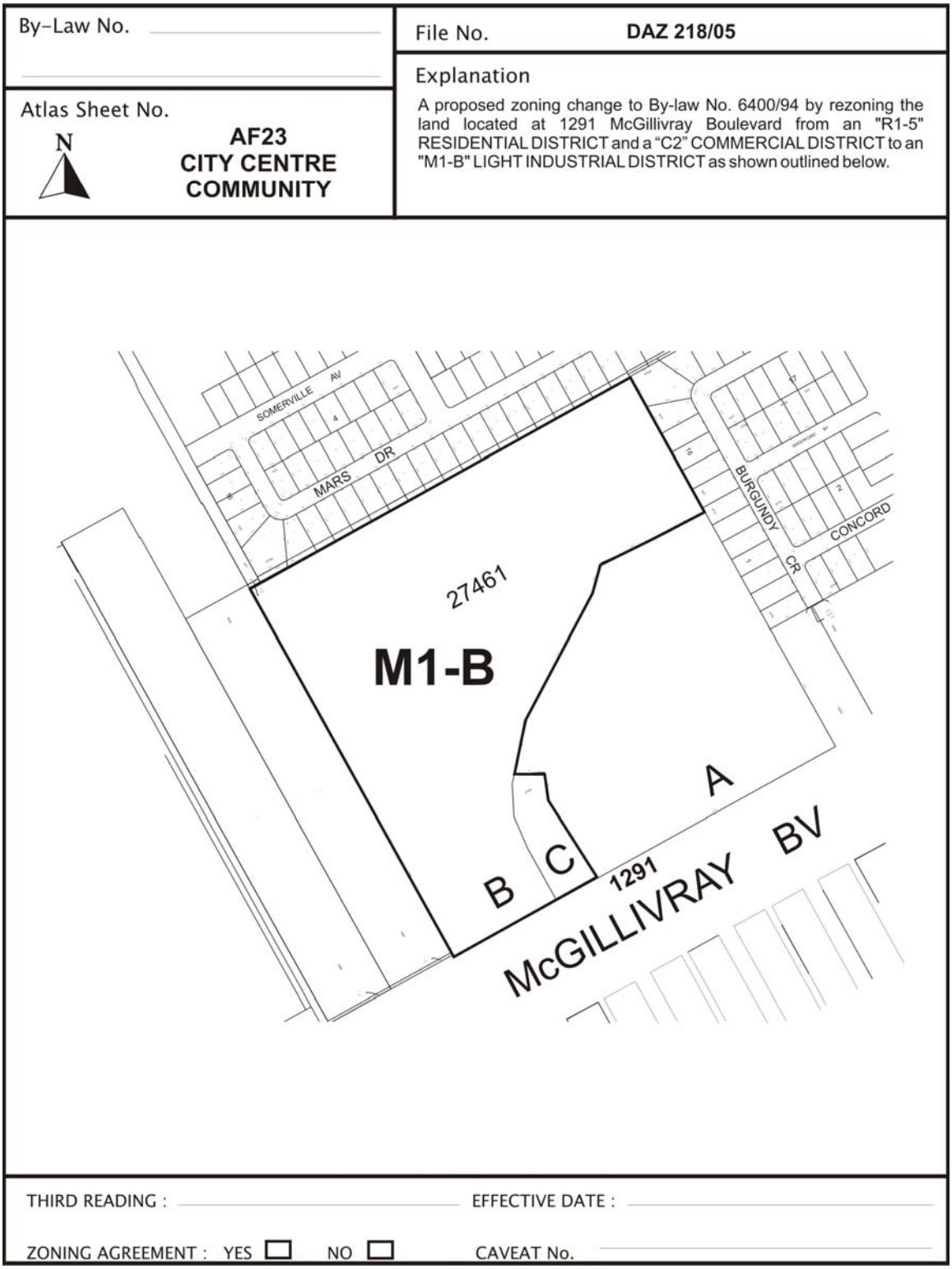


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 218/2005, dated June 7, 2005.