Agenda – Council – April 26, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 17 Subdivision and Rezoning - 2634 Pembina Highway
File DASZ 54/2005

STANDING COMMITTEE RECOMMENDATION:

On April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 54/2005 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 54/2005 dated March 21, 2006, 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" (Proposed new Parcels A, B and C) for File DASZ 54/2005 dated March 21, 2006, to a "C2" Commercial District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

    A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions, building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That Caveat No. 239187 be withdrawn.

5. 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).

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.

Report - Standing Policy Committee on Property and Development - April 4, 2006

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 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. 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.

10. 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.

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

12. 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 - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2006, 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 April 4, 2006, 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 March 28, 2006, 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 - 2634 Pembina Highway**
File DASZ 54/2005

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

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

Report date: **March 29, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On Mach 28, 2006, 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 54/2005 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 54/2005 dated March 21, 2006 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" (Proposed new Parcels A, B and C) for File DASZ 54/2005, dated March 21, 2006, to a "C2" Commercial District, subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter, to include the following conditions:

    A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions, building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That Caveat No. 239187 be withdrawn.

5. 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).

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 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. 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.

10. 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.

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

12. 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 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 Planning and Land Use Division dated March 21, 2006.

PUBLIC HEARING SUMMARY

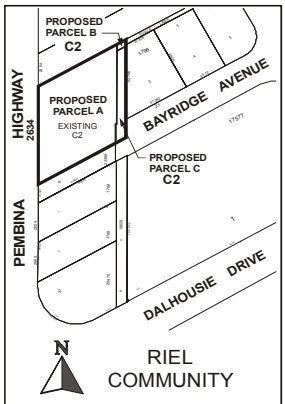
File: DASZ 54/2005

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

Public Hearing: March 28, 2006
Council Building, 510 Main Street

Applicant: Barnes and Duncan (Christian Korell)

Subject:



APPLICANT: BARNES & DUNCAN
FILE: DASZ 54/05
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 an "RM-2" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : BARNES & DUNCAN
N° DE RÉFÉRENCE : DALZ 54/05
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés 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 RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL) et à abroger la convention de zonage existante. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 2634 Pembina Highway

Exhibits Filed:

1. Application dated February 2, 2006
2. Notification of Public Hearing dated February 13, 2006
3. Manitoba Status of Titles 1096153 and 1294726
4. Certificate of Title E 22662
5. Letter of authorization dated December 21, 2005 from Windsor Building Supplies Group to Barnes and Duncan
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated March 21, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Jim Lothian

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Lothian appeared in support of the application.

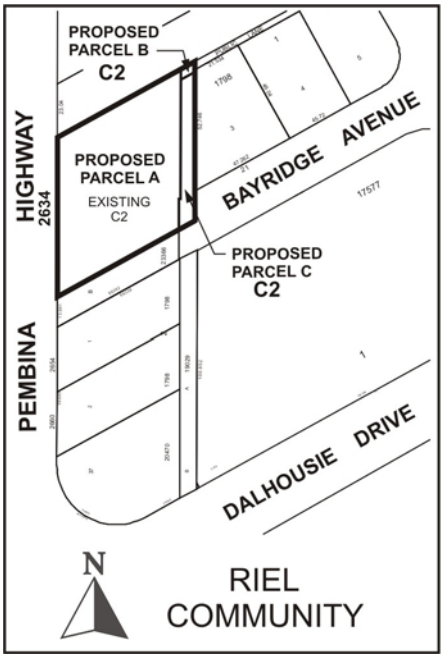
Exhibit "7" referred to in File DASZ 54/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 21/2006
File: DASZ 54 /05
Related Files: DAZ 215/75, DAV 530/75
Subject: For the approval of a plan of subdivision and subsequent rezoning of proposed parcels B & C from an " RM-2" Multiple Family category to a "C2" Commercial category.

Location: 2634 Pembina Highway
Legal Description: Lots 38-40 Plan 20470 & Parcel A Plan 23366



Applicant: Barnes & Duncan
Owner: Camdon Investments Ltd.

Recommendation: Approve with Conditions

Site Description

The subject parcel lies to the north of Dalhousie Drive on the east side of Pembina Highway. It is zoned “C2” Commercial and occupied by Windsor Lumber. Primary access to the site is via Pembina Highway. The adjoining C2 land to the south is owned by Shoppers Reality and was at one time a large car dealership operation. To the east is church and a Manitoba Hydro installation , both zoned “RM-2” Multiple Family. Bayridge Street remains currently unopened. To the north are the University of Manitoba Smart Park lands zoned “MP-2 “ Industrial; they remain only partially developed. To the west of Pembina Highway are fully developed Commercial properties (i.e. Corpell Equipment) zoned “C2” Commercial

Background

The owners of the subject property (Parcel A) have a successful business with very little room to expand. Several years ago, they attempted to rezone a nearby parcel of land that they own at the northwest corner of Bayridge and Ulster to a Commercial category. That property, if successfully rezoned, was to be utilized for storage purposes. However, given that Bayridge was and still is only a partially opened street, heavy vehicle access to the storage area would have had to have been via Dalhousie and Ulster, directly through a residential area. That was not regarded as an acceptable alternative at the time by the Community Committee or the Administration. However, in the interim, the owners have successfully negotiated the purchase of the lane right-of –way along the east boundary line from the City of Winnipeg. As a condition of approval of the sale, the lane, once closed, will be owned by Camdon Investments, but as Parcels B & C in order to protect existing mine and mineral rights. The current location of the parking area and buildings will constitute Parcel A. The newly acquired strip of land will, in the future be used for accessory parking and storage space. The subject lane area has been determined to be surplus to the City’s needs.

Description of the Proposed Development

Quite simply, the former lane area will be split into two Parcels and with Parcel A will all be under title to Camdon Investments for future use as a storage area. Proposed Parcels B & C will , as part of this process, be rezoned to the same “C2” Commercial category as proposed Parcel A (currently Lots 38 & 40). Primary access to the operation will still be via Pembina Highway.

Analysis

The Planning, Property and Development Department fully supports the proposed sale to Camdon Developments for expansion purposes. Use of Parcels B & C for accessory parking or storage of lumber products will not have any adverse effect on adjoining residential lands to the east. However, the addition of the subject strip of land will be of benefit to Windsor Lumber. It is recommended that your Committee endorse the application as submitted.

Recommendation

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

- The acquisition of the subject property by Windsor Lumber will provide much needed storage area for the business and will not have any adverse effect on adjoining properties.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 54/05 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File # DASZ 54/05 attached hereto and dated March 21/06 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"(Proposed new Parcels A, B & C) for File No. DASZ 54/05, attached hereto and dated March 21/06, to a "C2" Commercial, subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

IV. That Caveat # 239187 be withdrawn.

V. 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).

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

IX. 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.

X. 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.

XI. That the Proper Officers of the City are hereby authorized to execute said (Amending) (Zoning) Agreement.

XII. 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: Kevin Lalor
PPD File # .336

By-Law No. _____

File No. **DASZ 54/05**

Atlas Sheet No.

N

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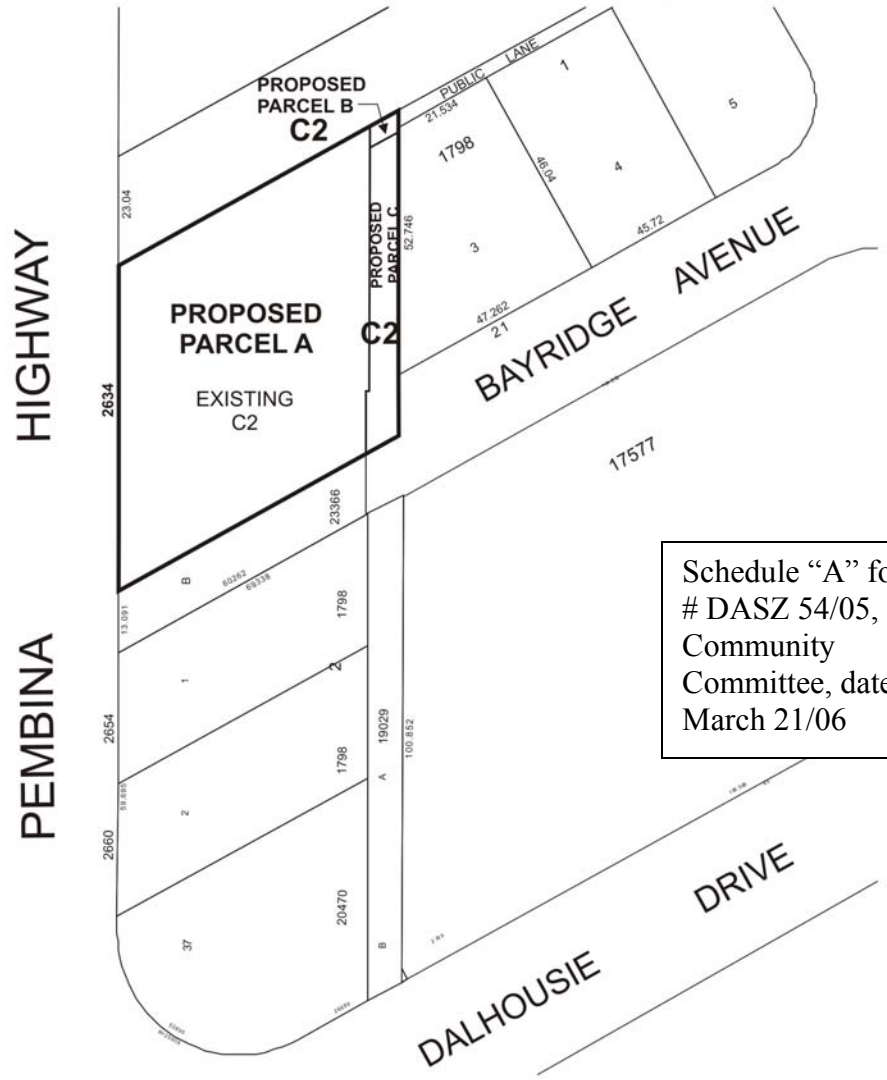
RIEL
COMMUNITY

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 2634 Pembina Highway from an "RM-2" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File # DASZ 54/05, Riel Community Committee, dated March 21/06

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____