Minute No. 107
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 21 Subdivision and Rezoning - 1780 Taylor Avenue
File DASZ 56/2005

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 plan of subdivision proposed under File DASZ 56/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 56/2005 dated December 5, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That Parcel B be transferred to the City at no cost to the City for the future widening of Taylor Avenue.

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 56/2005 dated December 5, 2006, to a "C2" Commercial 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 shall not be permitted:
            i. advertising sign
            ii. amusement enterprise, outdoor
            iii. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
            iv. cabaret
            v. club, including licensed premises
            vi. cocktail lounge, exceeding one-half of its restaurant floor area
            vii. exterminator
            viii. hotel, including a beverage room

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ix. machinery/heavy equipment supplies and parts: sales, installation, service
x. restaurant, drive-in / drive-through
xi. taxidermist, and
xii. tire: sales and service.

4. That mobile and temporary signs shall not be permitted.

5. That for the development of any building, accessory parking area or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and free-standing signage to City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

6. That the existing Zoning Agreement, put into place under File DAZ 238/98 (By-law No. 7389/99) and registered under Caveat No. 2381453, be withdrawn.

7. 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).

8. 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.

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

10. 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 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.

11. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

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12. 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.

13. 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.

14. 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 Swandel,

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 January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 1780 Taylor Avenue**
File DASZ 56/2006

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

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

Report date: **December 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 2006, the City Centre 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 56/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 56/2005, dated December 5, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That Parcel B be transferred to the City at no cost to the City for the future widening of Taylor Avenue.

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 56/2005, dated December 5, 2006, to a "C2" Commercial 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:

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            iv. cabaret
            v. club, including licensed premises
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            vii. exterminator

viii. hotel, including a beverage room
ix. machinery/heavy equipment supplies and parts: sales, installation, service
x. restaurant, drive-in / drive-through
xi. taxidermist, and
xii. tire: sales and service.

4. That mobile and temporary signs shall not be permitted.

5. That for the development of any building, accessory parking area, or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and free-standing signage to City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

6. That the existing Zoning Agreement, put into place under File DAZ 238/98 (By-law No. 7389/99) and registered under Caveat No. 2381453, be withdrawn.

7. 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).

8. 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.

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

10. 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 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.

11. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

12. 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.

13. 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.

14. 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 from the Planning and Land Use Division dated December 5, 2006.

PUBLIC HEARING SUMMARY

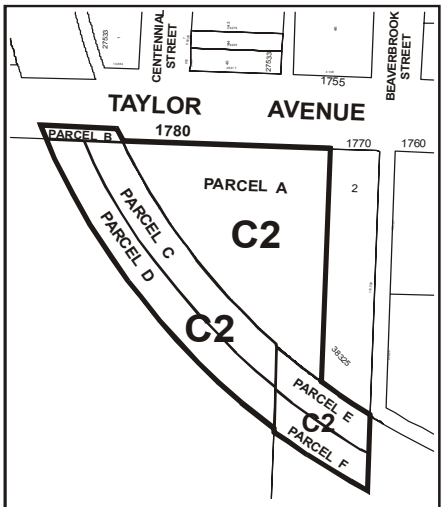
File: DASZ 56/2006

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

Public Hearing: December 12, 2006
North Committee Room
Council Building, 510 Main Street

Applicant: Pollock and Wright Land Surveyors (Jim Watling)

Subject:



APPLICANT : POLLOCK & WRIGHT

FILE : DASZ 56/05

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-3" MULTIPLE-FAMILY DISTRICT and an "A.5" AGRICULTURAL DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 1780 Taylor Avenue

Exhibits Filed:

1. Application dated October 24, 2006
2. Notification of Public Hearing dated November 2, 2006
3. Manitoba Status of Titles 1946685, 1857405, 1717859
4. Letter of authorization dated August 19, 2006 from Robert W. Shindleman, Shindico Realty Inc., on behalf of 3177751 Manitoba Ltd., to Pollock and Wright Land Surveyors
5. Letter of authorization dated August 24, 2006 from Anita Fleming, Regional Manager, Western Canada, Canadian National Railway Company, to Pollock and Wright Land Surveyors
6. Plan (1 pages)
7. Report from the Planning and Land Use Division dated December 5, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Jim Watling

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Jim Watling, appeared in support of the application and inquired as to the 10% dedication requirement.

The Senior Planner explained that the dedication was based on the increase in value created by a zoning change.

Exhibit "7" referred to in File DASZ 56/2006

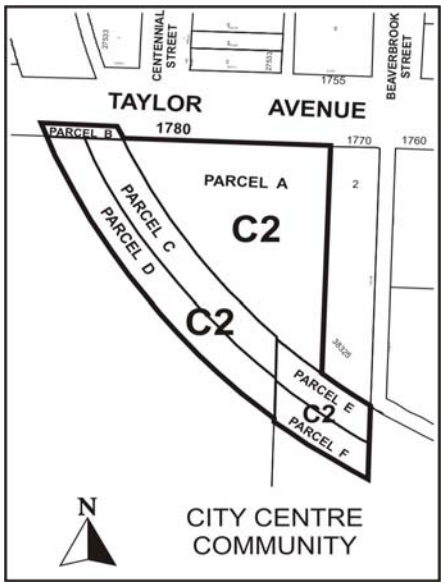
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: December 5, 2006
File: **DASZ 56/05**
Related Files: DAZ 238/98, DASSF 583/99
Subject: To subdivide the land shown below to create six parcels and to rezone portions presently zoned "A.5" Agricultural District and "RM-3" Multiple-Family District to "C2" Commercial District.

Location: 1780 Taylor Avenue
Legal Description: Lot 1 Plan 38325 WLTO in RL 59 and 60 Parish of St. Boniface; Block 16 Plan 1538 WLTO in RL 60 and 61 Parish of St. Boniface; Parcel 1: all those portions of river lots 58 and 59 Parish of St. Boniface taken for right-of-way of the Canadian Northern Railway Plan 2722 WLTO excepting thereout: firstly – public lane Plan 17166 WLTO, secondly – all mines and minerals as reserved by virtue of The Railway Act, RSC Cap R58; Parcel 2: Parcel A Plan 40316 WLTO in RL 59 Parish of St. Boniface excepting thereout all mines and minerals as reserved by virtue of The Railway Act.

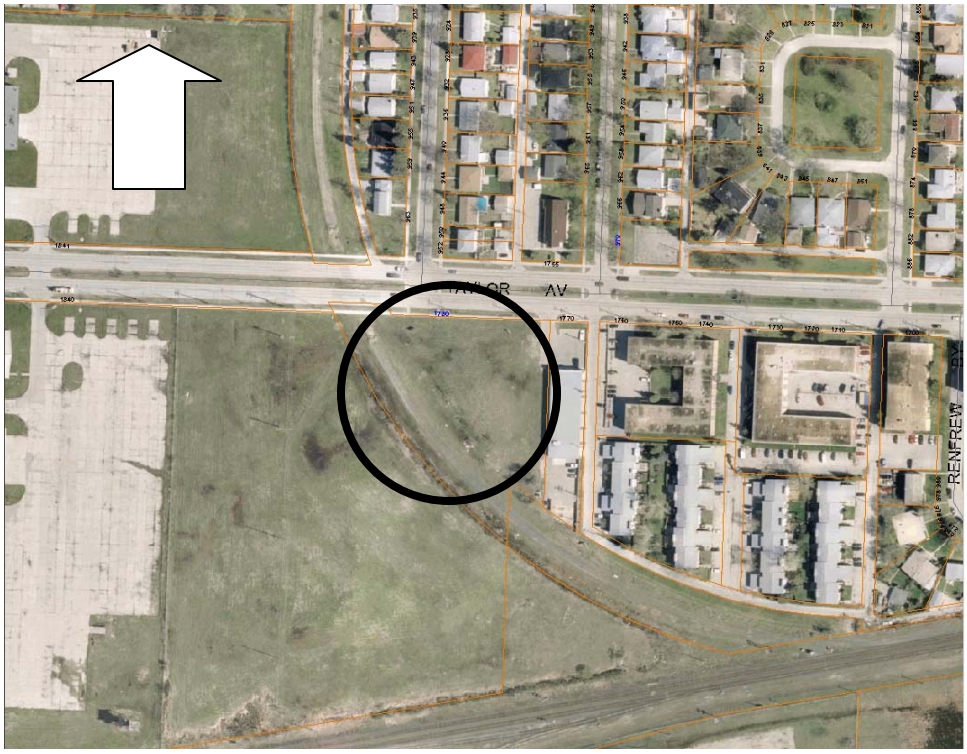


Applicant: Pollock & Wright (Jim Watling)
Owner: 3177751 Manitoba Ltd; Canadian National Railway

Recommendation: Approved with conditions

Site Description

The subject site is located along the south side of Taylor Avenue, south west of Beaverbrook Street. The vacant, approximately two-acre site consolidates a "C2" Commercial District lot (rezoned under DAZ 238/98) and a portion of the former CNR Oak Point railway line, zoned "A.5" Agricultural District (the west side) and "RM-3" Multiple-Family District (the east side). To the west are Department of National Defence lands (zoned "A.5"); to the south is the CNR Main Line; to the east is a commercial building (zoned "C2"); to the north are single-family dwellings (across Taylor Avenue, zoned "R1-4" Single-Family District).



Subject site: aerial photo flown 2005.

Background

In 1999, City Centre Community Committee considered and recommended approval of a rezoning of the majority of the subject site (that portion not forming part of the former railway right-of-way) from "RM-3" Multiple-Family District to "C2" Commercial District under DAZ 238/98, to accommodate an approximately 13, 000 commercial building. A zoning agreement was put into force and effect, restricting use and signage. The vacant portion of this site was later subdivided from the portion developed with the commercial building under DASSF 583/99.

Description of the Proposed Development
The applicant proposes to consolidate the former railway line lands with the currently vacant "C2" Commercial District lot. The parcel plan facilitates dedication of a portion of the former railway line lands for future Taylor Avenue widening (proposed Parcel B) and accommodates Canadian National Railway's ongoing mines and minerals interests (proposed parcels C, D, E, and F). The rezoning accommodates future commercial development.

Analysis
This portion of the Mathers neighbourhood is designated "Neighbourhood" under Plan Winnipeg. This designation accommodates residential, commercial, institutional, and parks & recreation uses. The rezoning and subdivision application is requested in order to consolidate a portion the former CNR Oak Point railway line (from the CNR Mainline to Taylor Avenue) with the vacant "C2"-zoned property fronting Taylor Avenue. This consolidation and rezoning was foreseen when the balance of the property was rezoned to "C2" under DAZ 238/98. Consolidation of these properties under one title simplifies development and accommodates a broader range of site development.

Recommendation
Planning and Land Use Division recommends approval for the following reasons:
- The proposal is consistent with *Plan Winnipeg*;
- The proposal was foreseen when the balance of the property was rezoned in 1999; and
- The proposal has no substantive impacts on neighbouring properties or on the surrounding area.
- The proposal is considerate of its neighbours and provides additional housing choice in a desirable, older neighbourhood; and

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 56/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 56/05, attached hereto and dated December 5, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:
   A. That Parcel B be transferred to the City at no cost to the City for the future widening of Taylor Avenue.

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 56/05, attached hereto and dated December 5, 2006, to a "C2" Commercial 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 shall not be permitted:
   a) "Advertising sign";
   b) "Amusement enterprise, outdoor";
   c) "Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts";
   d) "Cabaret";
   e) "Club, including licensed premises";
   f) "Cocktail lounge, *exceeding one-half of its Restaurant floor area*";
   g) "Exterminator";
   h) "Hotel, including a beverage room";
   i) "Machinery/Heavy equipment supplies and parts: sales, installation, service";
   j) "Restaurant, drive-in / drive-through";
   k) "Taxidermist"; and
   l) "Tire: sales and service".
2. That mobile and temporary signs shall not be permitted.
3. That for the development of any building, accessory parking area, or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and free-standing signage to City Centre Community Committee and the Director of Planning, Property, & Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development.

IV. That the existing Zoning Agreement, put into place under DAZ 238/98 (By-Law No. 7389/99) and registered under Caveat No. 2381453, 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 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. That the subdivision section of the by-law shall come into force and effect upon registration of the plan 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.

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: M. Sandhurst
PPD File # DASZ 56/05

Schedule "A"

By-Law No. _____

File No. **DASZ 56/05**

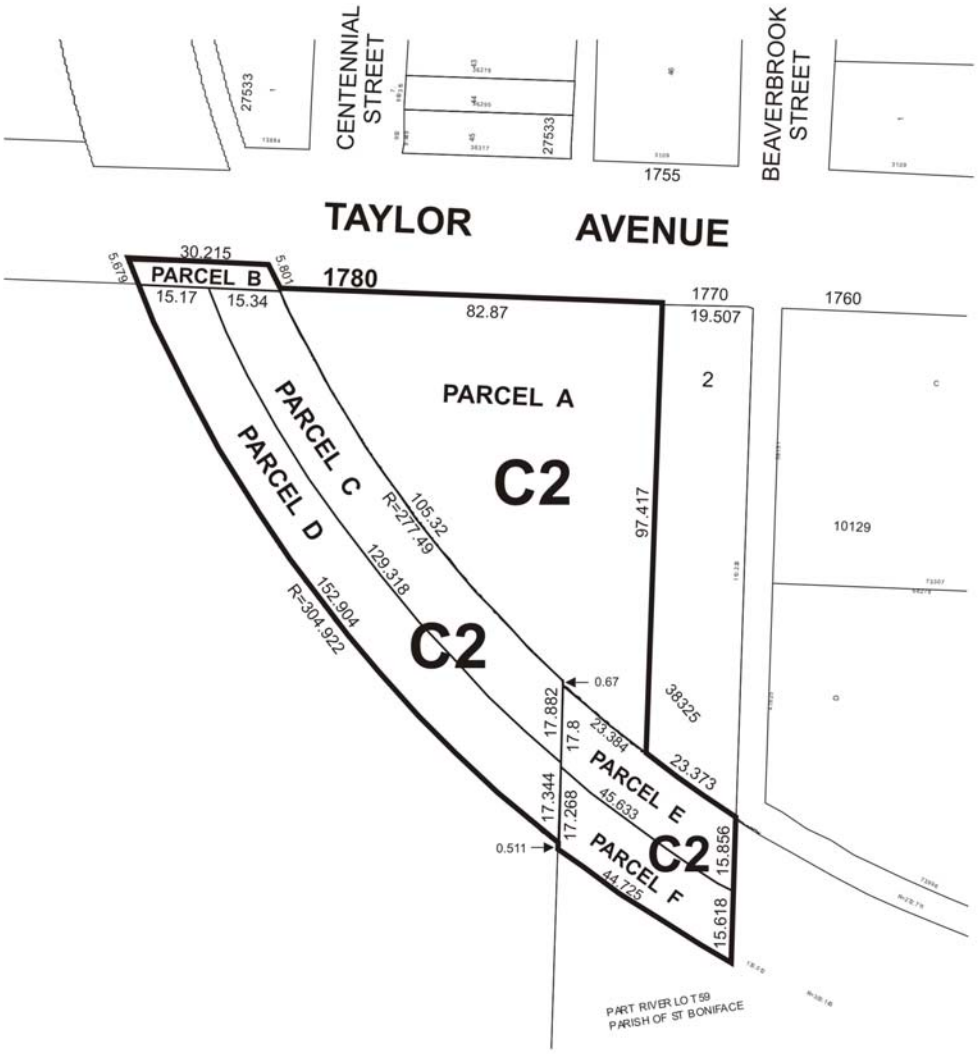
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AE20
CITY CENTRE
COMMUNITY

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 1780 Taylor Avenue from an "RM-3" MULTIPLE-FAMILY DISTRICT and an "A.5" AGRICULTURAL DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DASZ 56/05 dated December 5, 2006.