Agenda - Council - March 21, 2007

Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 7 Rezoning - Southwest corner Pembina Highway and Grandmont Boulevard
File DAZ 250/2006

STANDING COMMITTEE RECOMMENDATION:

On March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, 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 250/2006 dated February 2, 2007, 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:

        i. That final plans showing the location and details of parking areas, building profiles, signage, lighting, garbage enclosures, landscaping and fencing shall be submitted to the Planning, Property and Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development

2. 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 the market value of the land, if applicable.

3. That Caveat No. 3312189 be withdrawn as it affects Lot 1, Plan 45196.

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 (3) readings.

Report - Standing Policy Committee on Property and Development - February 27, 2007

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.

Report - Standing Policy Committee on Property and Development - February 27, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- Add the following new Recommendation as No. 3, namely:

  "3. That Caveat No. 3312189 be withdrawn as it affects Lot 1, Plan 45196."

  and renumber the remaining Recommendations accordingly,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Southwest corner Pembina Highway and Grandmont Boulevard**
File DAZ 250/2006 [c/r DCU 164669/2006D]

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

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

Report date: **February 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2007, the Riel 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 250/2006 dated February 2, 2007 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:

        i. That final plans showing the location and details of parking areas, building profiles, signage, lighting, garbage enclosures, landscaping and fencing shall be submitted to the Planning, Property and Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development

2. 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 the market value of the land, if applicable.

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 (3) 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.

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 February 2, 2007.

PUBLIC HEARING SUMMARY

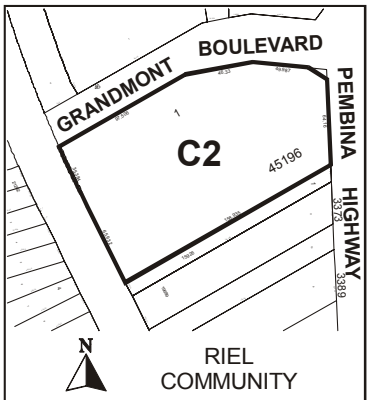
File: DAZ 250/2006 [c/r DCU 164669/2006D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 13, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Xhale Corporation Inc. (Tom Peake)

Subject:



APPLICANT: XHALE CORPORATION INC.
FILE: DAZ 250/06
PROPOSAL: To rezone the land shown outlined above from an "RM-5" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement and replace it with a new agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : XHALE CORPORATION INC.
N° DE RÉFÉRENCE : DAZ 250/06
PROJET : Changement de zonage des sols délinées ci-dessus de sorte qu'ils passent de la catégorie RM-5 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL), et abrogation de la convention de zonage existante et son remplacement par une nouvelle convention de zonage. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Southwest corner Pembina Highway and Grandmont Boulevard

Exhibits Filed:

1. Application dated January 4, 2007
2. Notification of Public Hearing dated January 12, 2007
3. Manitoba Status of Title 2162636
4. Letter of authorization dated December 20, 2006 from Guy Hobman to Thomas C. Peake
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated February 2, 2007
7. Inspection Report

REPRESENTATIONS:

In Support:

Tom Peake
Paul F. Perrault

In Opposition:

Nil

For Information:

Norm Gousseau
Robert G. Roehle

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Tom Peake, appeared in support of the application and provided an overview of the proposal.

Paul F. Perrault appeared in support of the application but indicated concern with respect to the proposed access on Grandmont Boulevard and the negative effect this could have on traffic in the area. The Senior Planner stated that the proposed Grandmont Boulevard access would be located directly across from the access to the Mac's Store across the street.

Norm Gousseau, Entreprises Riel, appeared for information. Mr. Gousseau stated that he wanted to ensure the applicant was aware of the French and Métis heritage in the area and that his organization was working to develop signage and banners for Pembina Highway to enhance the neighbourhood. Mr. Gousseau further stated that his organization would appreciate if the applicant could ensure that all signage for the business is bilingual.

Robert Roehle, Co-Chair, Group'Action St. Norbert, appeared for information. Mr. Roehle stated that he hoped the applicants would meet with his origination and Entreprises Riel to ensure the business is developed in character with the area.

Tom Peake returned in rebuttal. Mr. Peake stated that the Co-op is locally owned by its members and that he was certain that any suggestions for signage would be considered. Mr. Peake further stated that he would be willing to meet with Mr. Gousseau and Mr. Roehle to discuss the development.

Exhibit "6" referred to in File DAZ 250/2006 [c/r DCU 164669/2006D]

Winnipeg

Planning, Property and Development Department Report

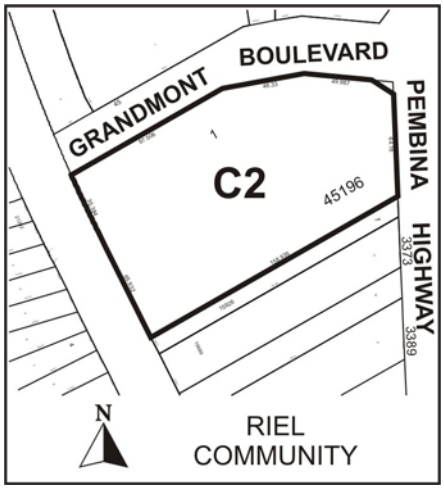
To the Riel Community Committee

Date: **February 2/2007**
File: **DAZ 250/06**
Related Files: **DCU 06-164669/D**

Subject : To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-5" Residential District to a "C2" Commercial District

Location: **Pembina Highway (SW corner of Pembina Highway and Grandmont Blvd.)**

Legal Description: **Lot 1, Plan 45196**



Applicant: **XHALE Corporation Inc.**

Owner: **2468027 Manitoba Ltd.**

Recommendation: *Approved, with conditions*

Site Description:

The subject property is approximately 4 acres and is situated at the southwest corner of Grandmont Boulevard and Pembina Highway. The land is zoned "RM-5" Residential District and is currently vacant. It is in the St. Norbert neighbourhood of the St. Norbert ward. This parcel of land was recently rezoned from "A" Agricultural District to "RM-5" Residential District, the current zoning.



Figure 1: Aerial Photo of subject site (flown, 2005)

West: To the immediate west of the site is the C.N.R. rail line then primarily single-family dwellings zoned "R1-4" Residential District.

South: To the south of the site is a mix of commercial and residential uses, zoned "A.5" Agricultural District.

East: East of the site is Pembina Highway then a mix of uses, zoned "A.5" Agricultural District and "R1-20" Residential District immediately adjacent to the Red River.

North: North of the site is a commercial use, some vacant land and some multiple-family developments zoned "C2" Commercial and "RM-3" Residential District.

Description of the Proposed Development

The applicant is proposing to rezone the property from an "RM-5" Residential District to a "C2" District in order to accommodate a fuel kiosk, convenience store and car wash use. The site is currently vacant. Site plans indicate that the proposed use will be located on the front half of the site. No plans have been submitted at this time for the west half of the site, but submitted site plans indicate the area will be sodded.

One access point will be located on Grandmont Boulevard with an additional entrance/exit from Pembina Highway. A 10 pump gas bar will be situated on the front (Pembina) portion of the site, with the convenience store to the north and a two bay car wash to the south of the convenience store.

The proposed site plan respects the 40-foot special front yard requirement for this portion of Pembina Highway.

Analysis

Plan Winnipeg Compliance**:**
The subject parcel falls within a designated Neighbourhood Policy Area under *Plan Winnipeg 2020*, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with *Plan Winnipeg 2020*.

The Planning and Land Use Division supports the rezoning of the subject property for commercial development. The site is located between a heavy traffic route and a rail line. It is anticipated that the existing rail line should buffer the impact of commercial development on the residential area to the west. Commercial development at the subject corner is compatible with the surrounding area and is consistent with the type of development along Pembina Highway, a primarily commercial corridor.

This portion of Pembina Highway is subject to a special front yard of 40-feet. This portion of Pembina Highway is also an "Image Route". Image Routes are primary transportation corridors leading from the outer limits of the City directly to the downtown. It is recommended that significant landscaping be installed along the Pembina Highway portion of the proposed development, specifically at the corner of Pembina Highway and Grandmont Boulevard. Landscaping should include appropriate fencing and vegetation.

Recommendation

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

- The proposed use does not appear to have a substantial adverse impact on adjacent properties.
- Provided that the suggested landscaping is installed, the development will be compatible with the area.
- The proposed development complies with Plan Winnipeg and its policies.

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 250/06, attached hereto and dated February 2, 2007 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 final plans showing the location and details of parking areas, building profiles, signage, lighting, garbage enclosures, landscaping and fencing shall be submitted to the Planning, Property & Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits; and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development

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, if applicable.

III. 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.

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 (3) readings.

V. 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.

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.

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

Report Prepared by: Angie Clark
PPD File # DAZ 250/06

Schedule "A"

By-Law No. _____

File No. **DAZ 250/06**

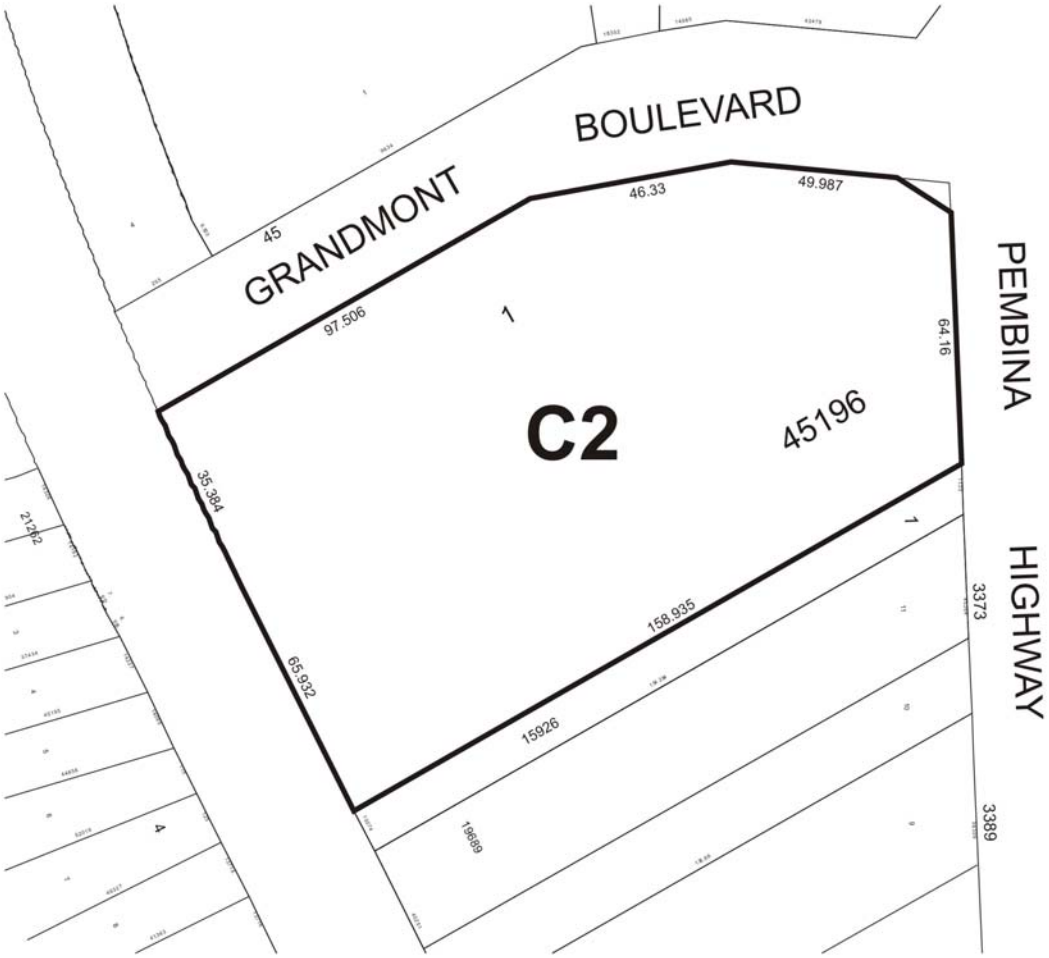
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the southwest corner of Pembina Highway and Grandmont Boulevard from an "RM-5" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing Zoning Agreement and replace it with a new agreement as shown outlined below.

Atlas Sheet No.

N

AO23
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the Riel Community Committee for file # DAZ 250/06 dated February 2, 2007.

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