Request to Waive the Dedication Requirements - rezoning of land at 1575 Inkster Boulevard – Lord Selkirk-West Kildonan Community

File DAZ 236/2000

2. The Standing Policy Committee on Property and Development received a request from the Maples Evangelical Church to reduce the amount of dedication payable relative to the rezoning of land at 1575 Inkster Boulevard. On September 4, 2001, the Standing Policy Committee referred the request to the Administration for review.

On March 21, 2001, Council adopted Clause 11 of the Report of the Standing Policy Committee on Property and Development dated March 6, 2001, and approved the subject rezoning from an "MP-2" Industrial District to an "M1-B" Light Industrial District to permit the maintenance of an existing church.

Recommendation II. of the said Clause stipulated as follows:

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement to land dedication based on the increase in the market value of the land, if applicable.

The valuation for the dedication indicated an increase in value of $129,000.00. The dedication was therefore assessed at $12,900.00 (plus G.S.T.). The Maples Evangelical Church is now appealing this amount.

By-law No. 7809/2001 was passed by Council on March 21, 2001, and will not come into force and effect until the ten percent dedication has been paid.

At the public hearing held by the Lord Selkirk-West Kildonan Community Committee on February 13, 2001, the report from the Manager of Planning and Land Use outlined as follows:

> "… some of the uses that have been establishing along Inkster Boulevard are not listed uses under the "MP-2" zoning. Most have therefore had to be rezoned to an "M1-B" Industrial category, which has a wider range of uses but retains a high development standard regarding setbacks signage, etc. The applicants … made application for the aforementioned rezoning in order to allow them to continue operating their church activities (temporarily approved by use variance)".

The Real Estate Division of the Planning, Property and Development Department upon further review also recognized that by paying a difference in price (value) the different uses permitted by the two zoning districts would cause an increase in value of $129,000.00 for the 3.21 acre site of which 10% is $12,900.00 (plus G.S.T.).

The Maples Evangelical Church in their appeal cited the fact that they are non-profit in nature. At present the only policy with regard to waiving dedications is for Non-Profit Seniors Housing. Churches in the past have always paid the dedication if applicable.

The Church requested a reduction to the dedication amount if they are required to make a payment. The basis for their appeal to the amount is that the property tax assessments for their property as per the 2001 and 2002 assessments that they received from the City indicate that the value did not increase as much as the City has indicated for the dedication payment. The problem with this reasoning is that the 2002 assessment reflects an estimate of the increase in market value of the property but not the change in zoning that this application involves. That will be considered by the Property Assessment Department once the rezoning is into force and effect.

The Administration reviewed the calculation of the ten percent dedication valuation and reports that its figures remain unchanged. The Planning, Property and Development Department therefore recommended that ten percent (10%) dedication based on the increase in value from an "MP-1" Industrial District to an "M1-B" Light Industrial District in the amount of $12,900.00 (plus G.S.T.) not be reduced.

The Standing Policy Committee on Property and Development recommends:

I. That the ten percent (10%) dedication fee in the amount of $12,900.00 (plus G.S.T.) required with respect to the rezoning of property located at 1575 Inkster Boulevard under File DAZ 236/2000, be waived.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.