Agenda - Council - July 18, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 4 Rezoning - 380 Provencher Boulevard
(St. Boniface Ward)
File DAZ 216/2007

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2007, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 216/2007 dated June 5, 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 for the development of any building and/or accessory parking area and/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 signage to the Director of Planning, Property and Development and the Riel Community Committee 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.

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.

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.

Report - Standing Policy Committee on Property and Development - June 26, 2007

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.

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, 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 the Executive Policy Committee.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, 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 June 12, 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 - 380 Provencher Boulevard**
File DAZ 216/2007 [c/r DCU 131245/2007D and DAV 131247/2007D]

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

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

Report date: **June 14, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 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 216/2007 dated June 5, 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 for the development of any building and/or accessory parking area and/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 signage to the Director of Planning, Property and Development and the Riel Community Committee 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.

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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.

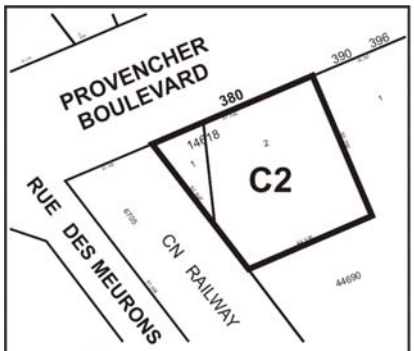
7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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 June 5, 2007.

PUBLIC HEARING SUMMARY

File:	DAZ 216/2007 [c/r DCU 131245/2007D and DAV 131247/2007D]
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Steeves Councillor Vandal
Public Hearing:	June 12, 2007 Council Chamber, Council Building, 510 Main Street
Applicant:	Cohos Evamy Integrated Design
Subject:	



APPLICANT : COHOS EVAMY INTEGRATED DESIGN
FILE: DAZ 216/07
PROPOSAL: To rezone the land shown outlined above from an "M1" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : COHOS EVAMY INTEGRATED DESIGN
N° DE RÉFÉRENCE : DAZ 216/07
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie M1 (SECTEUR INDUSTRIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

:

Premises Affected: 380 Provencher Boulevard

Exhibits Filed:

1. Application dated May 14, 2007, 2007
2. Notification of Public Hearing dated May 17, 2007
3. Manitoba Status of Title 1347782
4. Letter of authorization from Shell Canada Products to Cohos Evamy
5. Site Plans (2 pages)
6. Site Drainage Assessment Plan
7. Plan
8. Report from the Planning and Land Use Division dated June 5, 2007
9. Inspection Report

REPRESENTATIONS:

In Support:

Shon McDougall

In Opposition

Nil

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, Shon McDougall, appeared in support of the application and provided an overview of the proposal.

Exhibit "8" referred to in File DAZ 216/2007 [c/r DCU 131245/1007D and DAV 131247/2007D]

Winnipeg

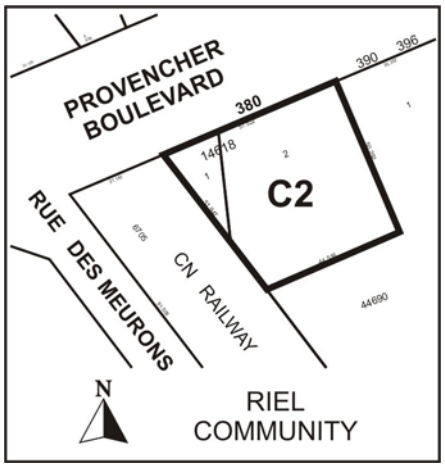
Planning, Property and Development Department Report

To the Riel Community Committee

Date: **June 5**, 2007
File: **DAZ 216/07**
Related Files: DAV 07 131247D, DCU 07 131245D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "M-1" Industrial District to a "C2" Commercial District in order to facilitate the redevelopment of a gas kiosk and convenience store.

Location: 380 Provencher Blvd.

Legal Description: Lots 1 & 2, Plan 14618, RL 76 & 120 Parish of St. Boniface



Applicant: Cohos Evamy Integrated Design

Owner: Shell Canada

Recommendation: *Approval with conditions*

Site Description:



The overall site area totals 27,610 sq. ft. There is currently a small convenience store and gas kiosk at the centre of the site with the rear half of the lot being largely unused. The land is zoned "M1" Industrial. The adjoining properties to the immediate east and south are zoned "C2" Commercial upon which are situated two separate buildings. The smallest of the two buildings is a drive-through Robin's Donut outlet and the second structure is a multi-tenant facility with retail and restaurant uses. There is a large parking area on the west side of both buildings. To the north across Provencher Blvd. is a mix of commercial uses (Belgium Club, Credit Union etc.) zoned "C2" Commercial. To the west is the CNR right-of-way which is zoned "M1"Industrial.

Description of the Proposed Development:

The applicants ,on behalf of Shell Canada, are proposing to redevelop and upgrade the existing gas sales facility at the subject location at 380 Provencher Blvd. The plans call for the construction of a larger 2000 sq.ft. office and convenience store along the south periphery of the site with provision for nine parking stalls at the front of the building. Three large gas islands will be situated between the proposed new structure and the north boundary of the lot adjoining

Provencher Blvd. There are to be pockets of landscaping along the street and railway right-of – way frontages. Primary access will still be via Provencher with a shared exit on the adjoining commercial property.

Analysis:

The Planning Property & Development Department supports the proposed rezoning and redevelopment for several reasons. First of all, the relocation and expansion of the facilities will ultimately result in a much more efficient use of the site. Currently it is largely under-utilized. However, it should be noted that redevelopment will not adversely affect adjoining businesses or in any way hinder access to existing commercial operations to the south or east. Secondly, the redevelopment will result in more landscaping and a better designed and more appealing building profile which should benefit not only the current owners but also adjoining businesses. And finally, the application is an opportunity to replace a portion of the industrial zoning which is not appropriately situated and not in accordance with Plan Winnipeg guidelines.

Recommendation:

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

- The use of the site does not effectively change but the site will be significantly upgraded and more efficiently utilized.

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 216/07, attached hereto and dated June 5/07, 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 for the development of any building and/or accessory parking area and/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 signage to the Director of Planning, Property and Development and the Riel Community Committee 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 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, 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: Kevin Lalor
PPD File # DAZ 216/07

By-Law No. _____

File No. **DAZ 216/07**

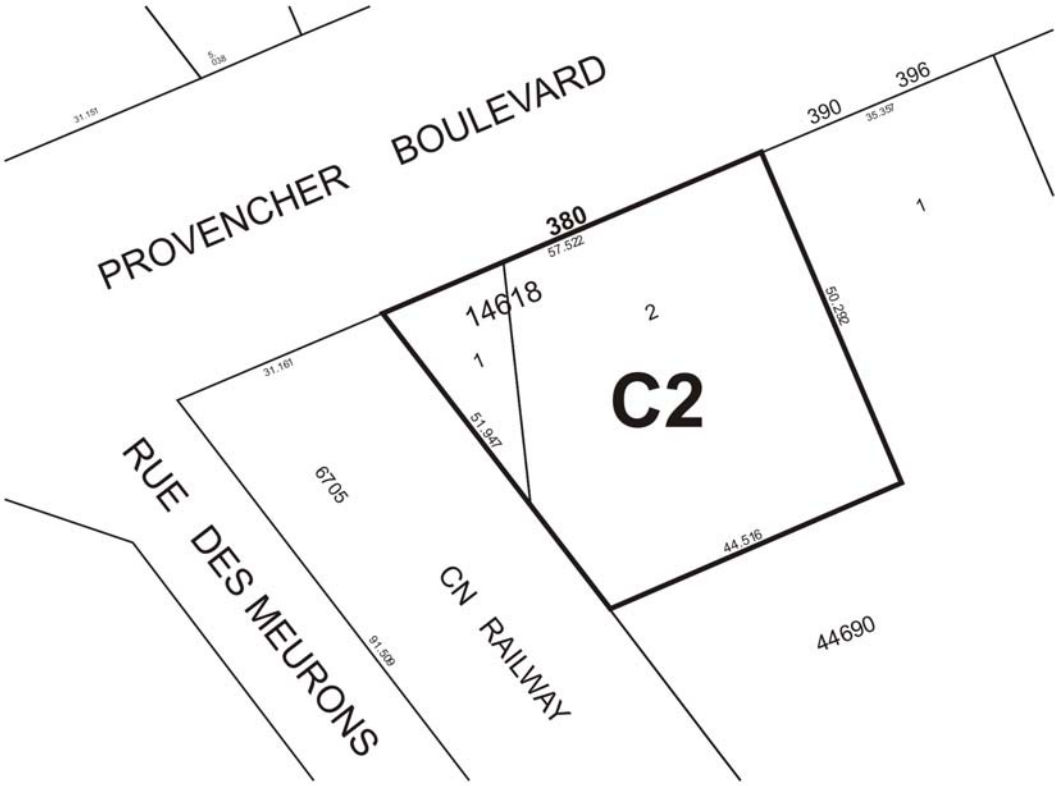
Atlas Sheet No.

N

Z27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 380 Provencher Boulevard from an "M1" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Riel Community Committee for file# DAZ 216/07 , dated June 05/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____