Agenda - Executive Policy Committee – October 17, 2007

Report - Standing Policy Committee on Property and Development – October 2, 2007

Item No. 3 Subdivision and Rezoning - 50 Omand's Creek Boulevard including south side of Bull Avenue, north side of Alma Avenue, east side of Moody Street
(St. James - Brooklands Ward)
File DASZ 25/2007 [c/r DAC 2/2007]

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 25/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2007 dated August 22, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25 /2007 dated August 22, 2007, to a "M2" Industrial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That each building within the land shall have:
            a. a minimum front yard of twenty-five (25) feet;
            b. minimum side yards of ten (10) feet except where a side lot abuts a street in which case the minimum side yard along that lot line shall be twenty-five (25) feet.

        ii. That on any building site within the land where the parking, loading or storage of vehicles takes place within twenty-five (25) feet of an abutting street the owner of that site shall construct and maintain a landscaped buffer strip fifteen (15) feet wide designed, planted and maintained in good condition to the satisfaction of the Director of Planning Property and Development.

Agenda - Executive Policy Committee – October 17, 2007

Report - Standing Policy Committee on Property and Development – October 2, 2007

3. 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.

4. That Caveat No. 3066089 be withdrawn.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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

9. 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.

10. 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.

11. 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.

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.

Agenda - Executive Policy Committee – October 17, 2007

Report - Standing Policy Committee on Property and Development – October 2, 2007

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 2 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 50 Omand's Creek Boulevard including south side of Bull Avenue, north side of Alma Avenue, east side of Moody Street**
File DASZ 25/2007 [c/r DAC 2/2007]

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **September 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 25/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2007 dated August 22, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25 /2007 dated August 22, 2007, to a "M2" Industrial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That each building within the land shall have:
            a. a minimum front yard of twenty-five (25) feet;
            b. minimum side yards of ten (10) feet except where a side lot abuts a street in which case the minimum side yard along that lot line shall be twenty-five (25) feet.

        ii. That on any building site within the land where the parking, loading or storage of vehicles takes place within twenty-five (25) feet of an abutting street the owner of that site shall construct and maintain a landscaped buffer strip fifteen (15) feet wide designed, planted and maintained in good condition to the satisfaction of the Director of Planning Property and Development.

3. 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.

4. That Caveat No. 3066089 be withdrawn.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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

9. 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.

10. 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.

11. 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.

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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated August 22, 2007.

PUBLIC HEARING SUMMARY

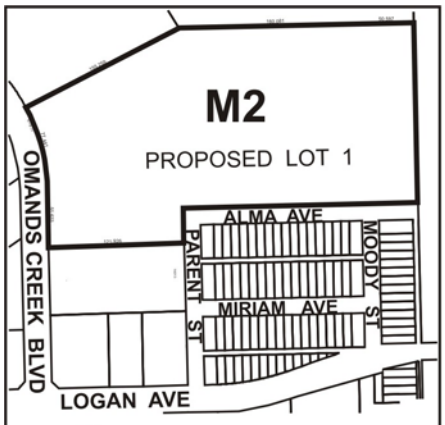
File: DASZ 25/2007 [c/r DAC 2/2007]

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: September 18, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Lionel Martens, Fillmore Riley

Subject:



ASSINIBOIA COMMUNITY

APPLICANT : FILLMORE RILEY
FILE : DASZ 25/07
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 "A.5" AGRICULTURAL DISTRICT to a "M2" INDUSTRIAL DISTRICT and to withdraw the existing Zoning Agreement and replace it with a new Zoning Agreement. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected:	50 Omand's Creek Boulevard including south side of Bull Avenue, north side of Alma Avenue, east side of Moody Street

Exhibits Filed:

1. Application dated July 4, 2007
2. Notification of Public Hearing dated July 11, 2007
3. Manitoba Status of Titles 2054290, 2201846, 2201848, 2201851, 2202326 and 2205342

4a. Letter of authorization dated January 26, 2007 from Marcoux Bros. Trucking Ltd. to Fillmore Riley LLP

4b. Letter of authorization dated January 29, 2007 from 5360847 Manitoba Ltd. to Fillmore Riley LLP

5. Surveyor's Building Location Certificate and sketch dated May 23, 2007
6. Zoning Agreement dated September 20, 1977
7. Sketch of proposed parking layout
8. Drawing of subject property/sign
9. Plan of Subdivision (2 pages)
10. Report from the Planning and Land Use Division dated August 22, 2007
11. Inspection Report

REPRESENTATIONS:

In Support:

Alan Klassen

In Opposition

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Mr. Alan Klassen, on behalf of the applicant, appeared in support of the application and gave a brief overview of the proposal.

In response to questions by the Chairperson, Mr. Klassen confirmed that he was familiar with the recommendations contained in the Report from the Planning and Land Use Division dated August 22, 2007.

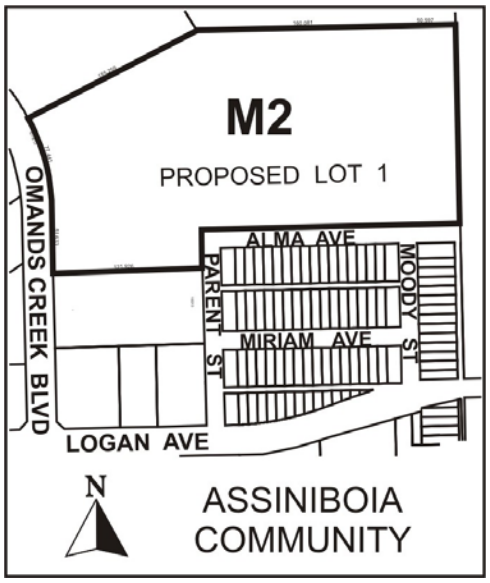
Exhibit "10" referred to in File DASZ 25/2007

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: August 22, 2007
File: **DASZ 25/07**
Related Files: DAC 2/07
Subject: To consolidate 45 existing lots, adjacent public streets and lanes, (to be closed under DAC 2/07) into 1 proposed lot. All existing 'A.5' Agricultural lands affected by this application are to be rezoned to 'M2' Industrial.

Location: 50 Omand's Creek Boulevard
Legal Description: Lot 1, Plan 43278, Lots 1-8, 19-36, Block 21, Plan 1245, Lots 1-8 Block 17, Plan 1245



Applicant: Filmore Riley (Mr. Lionel Martens)
Owner: Marcoux Bros. Trucking Ltd.

6026

Recommendation: Approval with Conditions

Site Description

Existing Land Use and Zoning

The existing 9.0 acre site is zoned 'M2' Industrial and is occupied by the Marcoux Brothers Trucking Ltd., part of the Yanke Group of Companies. The Trucking Terminal operation on site includes an office building, maintenance shop, truck wash and the parking/storage of trailers and containers. The remainder of the subject area considered in this application, approximately 4.5 acres is zoned 'A.5' Agricultural and consists of blocks that were part of an obsolete plan of subdivision and selected street rights-of-way.

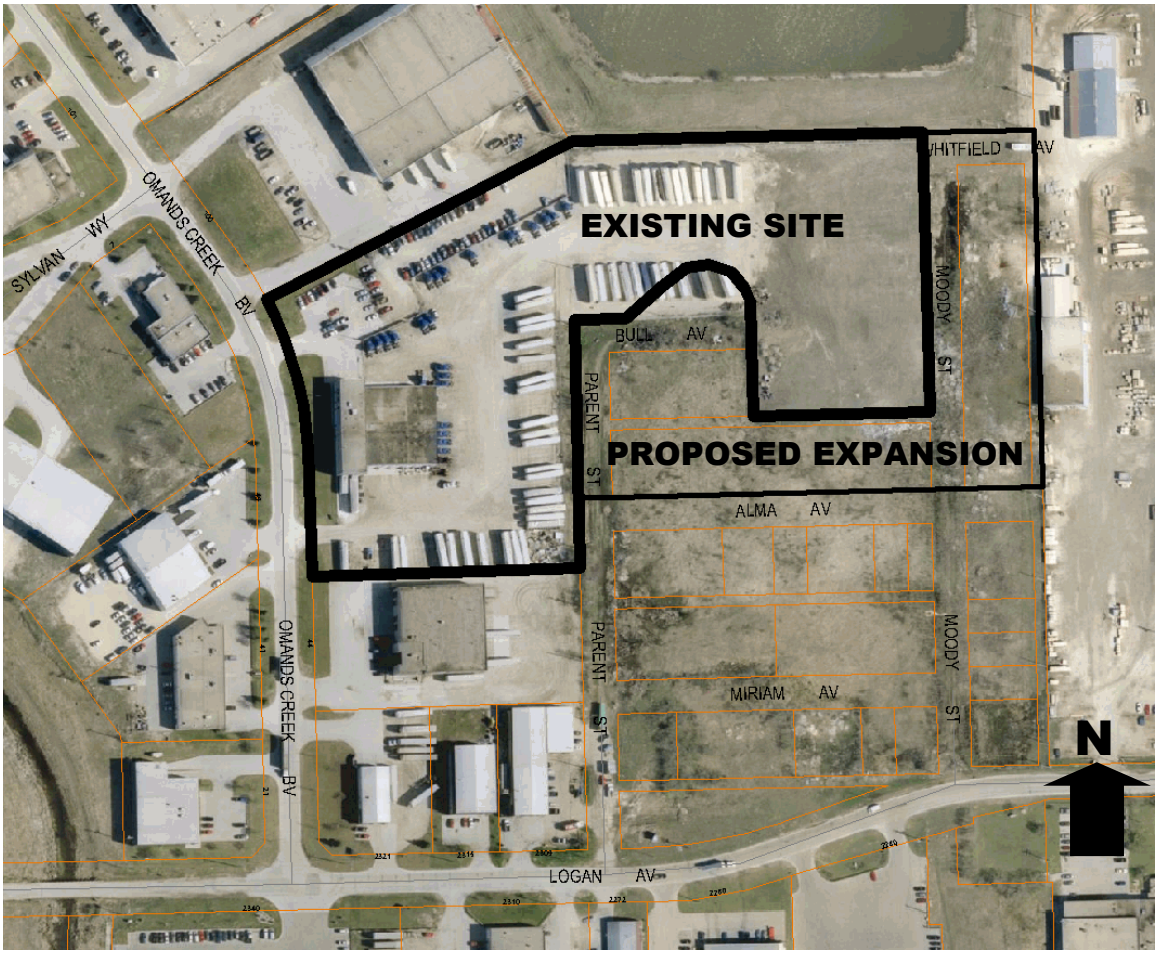


Figure 1: Subject Area; including exiting site and lands to be acquired and rezoned, (Aerial Photography Flown 2005)

Surrounding Land Use and Zoning

North: 'M2' Industrial and 'PR-1' Parks and Recreation (retention pond)
South: 'M2' Industrial and 'A.5' Agricultural
East: 'M2' Industrial
West: Omands Creek Boulevard then 'M2' Industrial

Background
DASZ 19/03 – similar rezoning and expansion

Description of the Proposed Development
The applicant, on behalf to the owner of 50 Omands Creek Boulevard is applying to rezone approximately 4.5 acres of adjacent property to the south and consolidate these lands with the existing 9.0-acre site occupied by their Trucking operation. In conjunction with the subdivision and rezoning application the applicant has applied to close several existing, unpaved street rights-of-way within the subject area, DAC 2/2007.

Analysis
PLAN WINNIPEG
The subject area is designated Industrial in Plan Winnipeg, thus the proposed rezoning and the expansion of the existing use complies.

COMPATIBILITY
The Trucking terminal and storage use is located within the Omands Creek Industrial Neighbourhood. The expansion and continued use of the site should not have any negative impact on the surrounding properties.

TRANSPORTATION AND SITE ACCESS
Access will remain off Omands Creek Boulevard providing direct connection to Logan Avenue to the south and Brookside Boulevard to the north.

SERVICING
The ACG did not require a servicing agreement with this application.

SITE DESIGN ISSUES
With the acquisition and consolidation of the additional lands into the existing parcel the legal description will be changed. Therefore the existing Zoning Agreement caveated to the property will have to be discharged and a new Zoning Agreement attached. The Zoning Agreement dates back to 1977 when several of the Industrial properties were created along Omands Creek Boulevard. The main intent of the agreement was to maintain a higher standard of industrial development for this area requiring 25-foot front yard setbacks as well as the screening and landscaping of outside storage and parking. The Administration will recommend those two development conditions be reattached in a new Zoning Agreement for the property.

COMMENTS FROM OTHER DEPARTMENTS
Water and Waste will require an easement along Whitfield Avenue, (to be closed) for the maintenance of the existing watermain, wastewater sewer and land drainage utilities.

Manitoba Hydro will also require easement(s) for their facilities within the existing streets under the proposed closure.

LAND DEDICATION

The ten (10) percent land dedication will be required as part of the conditions of approval.

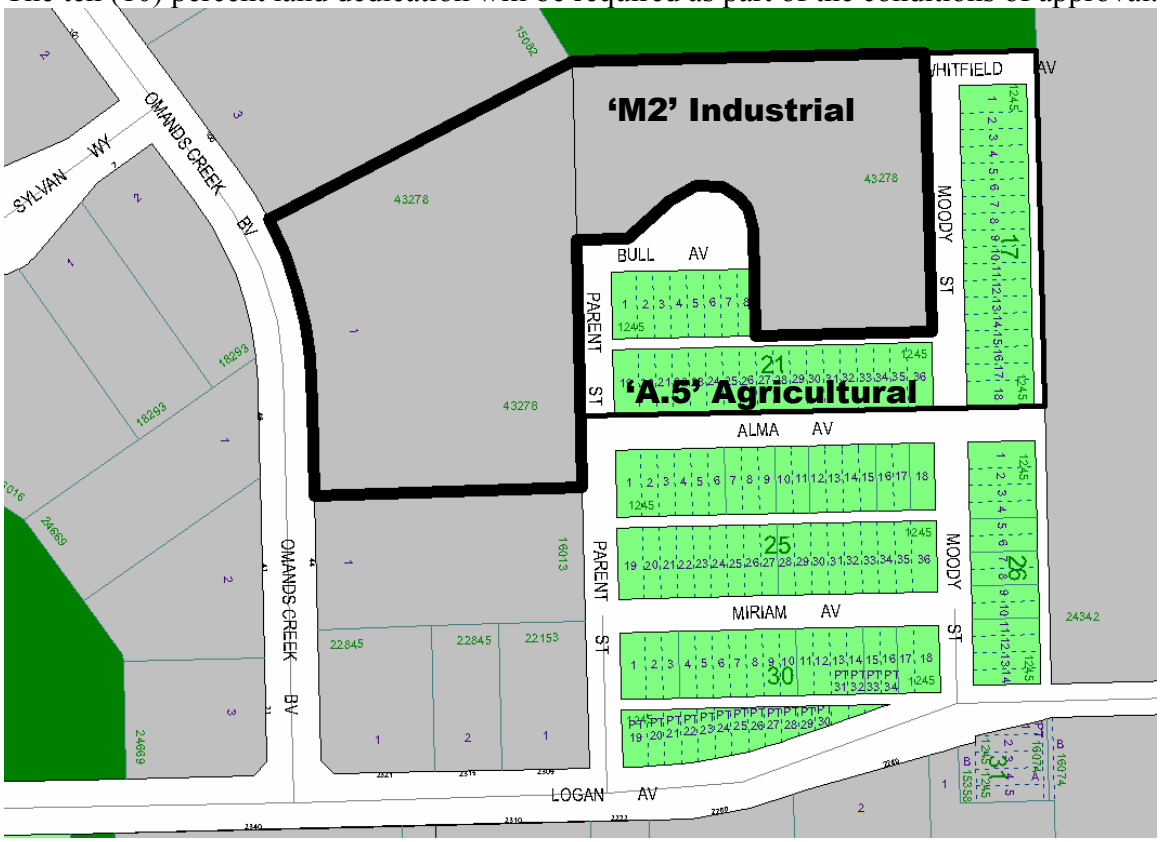


Figure 2: Subject Area; Existing Zoning and Street rights-of-way

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- Complies with Plan Winnipeg
- The existing use and expansion is compatible with the surrounding context
- The high standard of site development will be maintained
- Our Industrial land use policies encourage the facilitation and expansion of these types of uses where appropriate, promoting stability and predictability.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 25/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2007 dated August 22, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25 /2007 dated August 22, 2007, to a "M2" Industrial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That each building within the land shall have:
            a. a minimum front yard of twenty-five (25) feet; and

            b. minimum side yards of ten (10) feet except where a side lot abuts a street in which case the minimum side yard along that lot line shall be twenty-five (25) feet.

        ii. That on any building site within the land where the parking, loading or storage of vehicles takes place within twenty-five (25) feet of an abutting street the owner of that site shall construct and maintain a landscaped buffer strip fifteen (15) feet wide designed, planted and maintained in good condition to the satisfaction of the Director of Planning Property and Development.

3. 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.

4. That Caveat No. 3066089 be withdrawn.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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.

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

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 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.

11. 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.

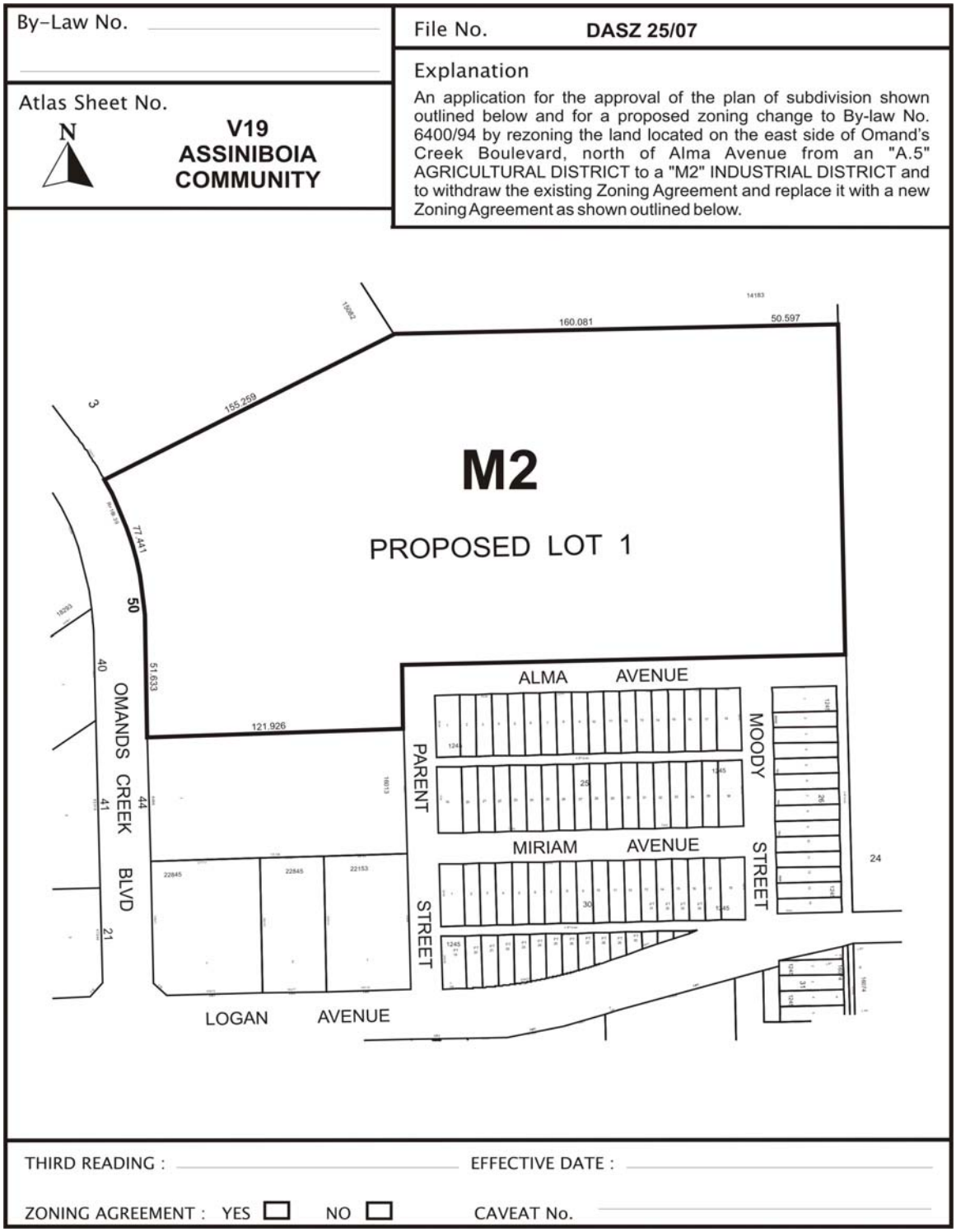
12. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

13. 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: James Veitch
PPD File # DASZ 25/07

Schedule "A"



Schedule "A" to the report to Assiniboia Community Committee for file # DASZ 25/07 dated August 22, 2007.

6032