Minutes - Executive Policy Committee - April 9, 2008

Minute No. 257
Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 9 Subdivision and Rezoning - 71, 73, 75 and 87 Archibald Street (St. Boniface Ward) File DASZ 37/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 plan of subdivision under File DASZ 37/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2007 dated November 28, 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 37/2007 dated November 28, 2007, to an "M2" Industrial District and a "PR1" Parks and Recreation District.

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 and/or the creation of new lots.

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

5. 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.

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

7. 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.

Report - Standing Policy Committee on Property and Development - March 25, 2008

8. 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.

9. 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.

10. 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.

11. 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.

Minutes - Executive Policy Committee - April 9, 2008

Report - Standing Policy Committee on Property and Development - March 25, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, 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 December 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 71, 73, 75 and 87 Archibald Street**
File DASZ 37/2007

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

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

Report date: **December 6, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 37/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2007 dated November 28, 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 37/2007 dated November 28, 2007, to an "M2" Industrial District and a "PR1" Parks and Recreation District.

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 and/or the creation of new lots.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 comments contained in the report from the Planning and Land Use Division dated November 28, 2007.

PUBLIC HEARING SUMMARY

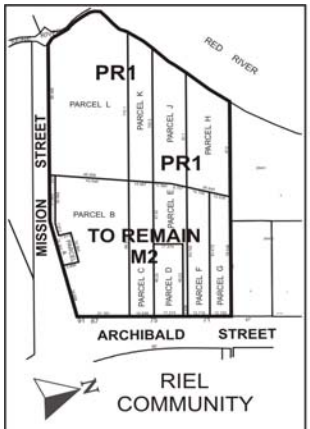
File: DASZ 37/2007

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel

Public Hearing: December 4, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Monk Goodwin LLP (Yenny Trinh)

Subject:



APPLICANT : MONK GOODWIN LLP
FILE: DASZ 37/07
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 "M2" INDUSTRIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "M2" INDUSTRIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : MONK GOODWIN LLP
N° DE RÉFÉRENCE : DALZ 37/07
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage no 6400/94 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie M2 (SECTEUR INDUSTRIEL) à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) et à la catégorie M2 (SECTEUR INDUSTRIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 71, 73, 75 and 87 Archibald

Exhibits Filed:

1. Application dated October 18, 2007
2. Notification of Public Hearing dated October 31, 2007
3. Manitoba Status of Titles 1275946, 1296481, 1396371, 2149586, 2149588, 2149590 and 2149591
4. Letter of authorization dated May 31, 2007 from the City of Winnipeg to Monk Goodwin LLP, Barristers and Solicitors
5. Letter of authorization dated July 10, 2007 from Round Table Management Ltd. to Monk Goodwin LLP, Barristers and Solicitors
6. Surveyor's Building Location Certificate and sketch dated April 26, 1994
7. Caveat No. 918947 dated August 29, 1964
8. Plans (4 pages)
9. Site Plan
10. AirPhoto
11. Report from the Planning and Land Use Division dated November 28, 2007
12. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No verbal representation was made at the public hearing.

Exhibit "11" referred to in File DASZ 37/2007

Winnipeg

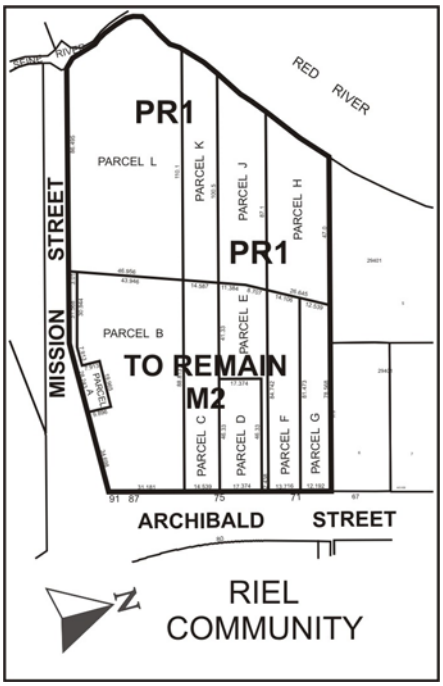
Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 28/07
File: DASZ 37/07
Related Files: NA

Subject: The purpose of this application is to facilitate a land exchange between the City of Winnipeg and a private landowner which will ultimately result in all of the frontage lands along Archibald being privately owned and zoned "M2" and the rear areas being consolidated and owned by the City for future " PR-1" Parks and Recreational reserve.

Location: 71, 73, 75, 87 Archibald Street
Legal Description: SP Lots 1-8, Plan 29401



Applicant: Monk Goodwin LLP (Yenny Trinh)

Owners: City of Winnipeg , Round Table Management Ltd.

Recommendation: Recommend approval with conditions

Site Description:



The subject properties lie immediately north of the C.N.R. Line between the Seine River and Archibald Street. While zoned “M2” Industrial in its entirety, the rear portion of all the properties , abutting the Red River, are designated for future Park and Riverbank designation under the North St. Boniface Secondary Plan. The two properties owned by the City are vacant

while the two remaining properties are occupied with Industrial businesses. Heavy Industrial businesses zoned “M2”and “M3” occupy the lands to the north and to east of Archibald Street.

Description of the Proposed Development:

The overall purpose of the subject application is a land exchange whereby the applicants , on behalf of Roundtable Management, will give up the rear portions of their two properties on Archibald in exchange for the frontage portions of two adjoining City of Winnipeg parcels. Ultimately , if approved, the applicants will have title to a piece of land which when consolidated , will continue to be zoned for “M2” Industrial use and will allow them to more efficiently expand their operation. The City , in turn, will, in accordance with Plan Winnipeg Policy and the objectives of the North St. Boniface Secondary Plan, have title to an extended and much more useable piece of river frontage for future Parks and Recreation development. All of the area conveyed to or already owned by the City in the aforementioned rear area is to be zoned to a “ PR-1” Parks and Recreational District category.

Analysis:

The proposed land exchange and rezoning will, in our view, be in the best interests of both the applicant and the City of Winnipeg. The newly consolidated ‘PR’ lands along the Red River will tie in will already existing ‘PR’ lands to the east and west of the Seine river. In the case of Round Table Management, the opportunity to have more frontage land along Archibald Street will allow for their operation to expand in a more efficient manner. It is therefore recommended that your Committee endorse the application as submitted, subject to the recommended conditions of approval.

Recommendation:

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

- The proposed land exchange and rezoning will bring the lands along the river into compliance with the North St. Boniface Secondary Plan.

Recommended Conditions of Approval

1 That the plan of subdivision proposed under File DASZ 37/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 37/2007 dated November 28, 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 37/2007 dated November 28/2007, to a "M2" Industrial District and "PR1" Parks and Recreation District.

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5 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.

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10 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.

11 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 # .501

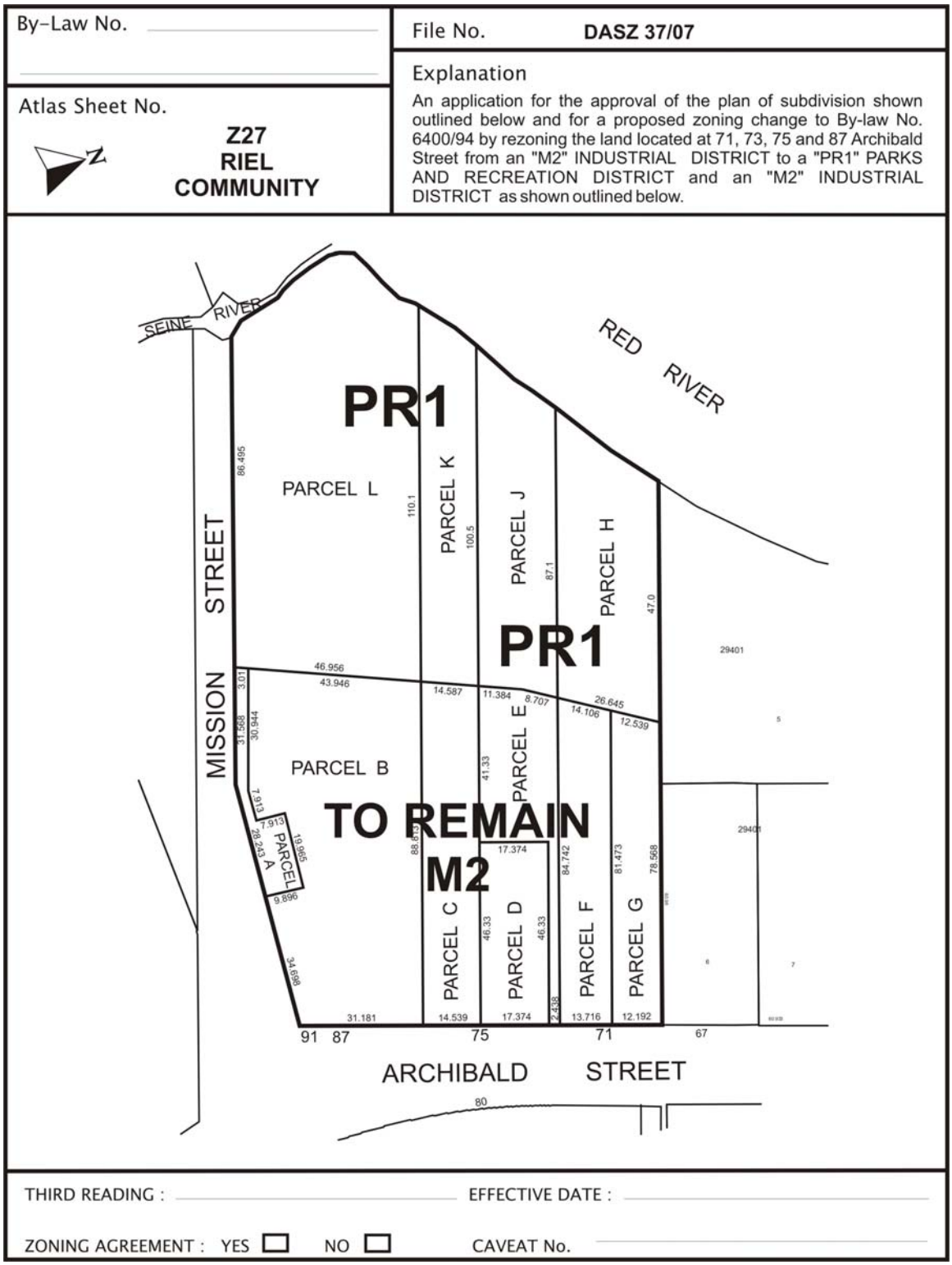

Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 37/2007, dated November 28, 2007.