Minutes - Executive Policy Committee - March 5, 2008

REPORTS

Minute No. 176 Subdivision and Rezoning - Southeast corner Bison Drive and Barnes Street (St. Norbert Ward) File DASZ 42/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the plan of subdivision under File DASZ 42/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2007 dated February 18, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 28, 2008.

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 42/2007 dated February 18, 2008, to a "C2" Commercial District.

3. 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 market value of the land and the creation of additional 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 execution by the City of Winnipeg of the Servicing Agreement.

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.

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - Southeast corner Bison Drive and Barnes Street**
File DASZ 42/2007

For submission to: **Executive Policy Committee**

Prepared by: **Marc Pittet**
Senior Committee Clerk

Report date: **February 27, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 42/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2007 dated February 18, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 28, 2008.

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 42/2007 dated February 18, 2008, to a "C2" Commercial District.

3. 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 market value of the land and the creation of additional 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 execution by the City of Winnipeg of the Servicing Agreement.

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 February 18, 2008 and in the report from the Administrative Coordinating Group dated January 28, 2008.

PUBLIC HEARING SUMMARY

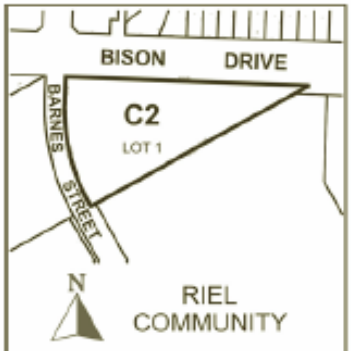
File: DASZ 42/2007

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 25, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: Thompson Dorfman Sweatmann LLP (Jennifer Ervick)

Subject:



APPLICANT : THOMPSON DORFMAN SWEATMANN LLP
FILE: DASZ 42/07
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 "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : THOMPSON DORFMAN SWEATMANN LLP
N° DE RÉFÉRENCE : DALZ 42/07
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 A.5 (SECTEUR AGRICOLE) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Southeast corner Bison Drive and Barnes Street

Exhibits Filed:

1. Application dated November 22, 2007
2. Notification of Public Hearing dated January 24, 2008
3. Manitoba Status of Title 2163499
4. Caveat dated July 18, 1953
5. Letter of authorization dated October 17, 2007 from Deborah McCallum, Vice-President of Administration, The University of Manitoba and Clarke Campbell, Vice-President Corporate Information and Technology & CIO, Manitoba Public Insurance Corporation, to Thompson Dorfman Sweatmann LLP
6. Plan
7. Report from the Planning and Land Use Division dated February 18, 2008
8. Report from the Administrative Coordinating Group dated January 28, 2008
9. Inspection Report
10. Site Plan submitted by Jennifer Ervick at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Silvia de Sousa
Jennifer Ervick, Thompson Dorfman Sweatmann LLP
Randall Icinley
Jacqueline Jasinski
Ron Moscinski
Cliff Murphy

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

Exhibit "7" referred to in File DASZ 42/2007

Planning, Property and Development Department Report

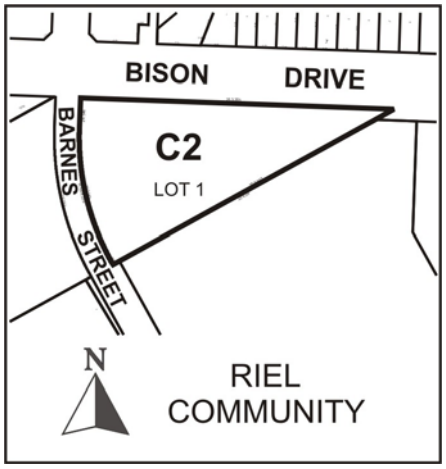
To the Riel Community Committee

Date: February 18/2007
File: DASZ 42 /07
Related Files: NA

Subject: Subdivision and rezoning applications required to facilitate a future commercial development of an MPIC customer service centre.

Location: S.E. corner of Bison Drive & Barnes Street

Legal Description: PT RL 3 ST.V lying between the E limit of Markham Rd PL 8923 & W Limit of Bison Drive PL 8957



Applicant: Thompson, Dorfman & Sweatman LLP

Owner: The University of Manitoba

Recommendation: Recommendation of approval with conditions

Site Description:



The subject vacant parcel lies at the s.e. corner of Barnes Street and Bison Drive and is approximately 3.8 acres in size. It is triangular in shape and lies at the extreme east end of a much larger parcel of land currently owned by the University of Manitoba. Immediately adjacent to the south is a Superstore , large parking area and retail gas outlet zoned “C2” Commercial. On the west side of Barnes is a large area zoned “ RM-1” Multiple Family upon which is established a Worldwide Church of God facility. The lands at the s.w. corner of Barnes street and Bison Drive remain vacant and zoned “ A-5” Agricultural. To the north of Bison Drive is a mix of “ R1-5” Single Family and “ RM-2” Multiple Family housing and a small “ C2” Commercial site.

Description of the Proposed Development:

The new owner of the property, MPIC, is intending to construct a 26,000 sq.ft. customer service centre for Autopac claims and DVL services. In order to do that, procedurally, a rezoning to a " C2" Commercial category is required. Approximately half the space will allotted to office space, the remainder to be set aside for garage purposes. Visitor parking will be on the west side of the building; staff parking on the south side. There will be an approach off of Barnes Street with an alternate approach off of Bison Drive via a feeder lane. The new owners are proposing to heavily landscape the site, particularly along the Bison Drive frontage. Finally the designers of the new building are striving to make the new structure both energy efficient and environmentally friendly.

Analysis:

It is the opinion of this Division that use of the subject property for purpose of a MPIC customer service centre is compatible with the surrounding neighbourhood and existing commercial development and can be fully endorsed. The plans call for improved access to the site via both Barnes Street and Bison Drive and it is our understanding that the building itself will be well designed and well buffered from Bison Drive by extensive landscaping. The proposed use, is , in our view, preferable to a wide range of commercial service or retail uses that customarily gravitate to corner lots similar to this one. It is therefore recommended that your Committee support the subject application in accordance with the conditions as outlined.

Recommendation:

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

- The proposed use is an appropriate use at the subject intersection. There is good access to the site with little or no impact on adjoining residential lands to the north and south.

Recommended Conditions of Approval

1) That the plan of subdivision proposed under File DASZ 42/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 422007 dated February 18, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 28 2008.

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 42 /2007 dated February 18/2008, to a "C2" Commercial 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 the creation of additional 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 execution by the City of Winnipeg of the Servicing Agreement.

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.

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

Report Prepared by: Kevin Lalor
PPD File # .624

Schedule "A"

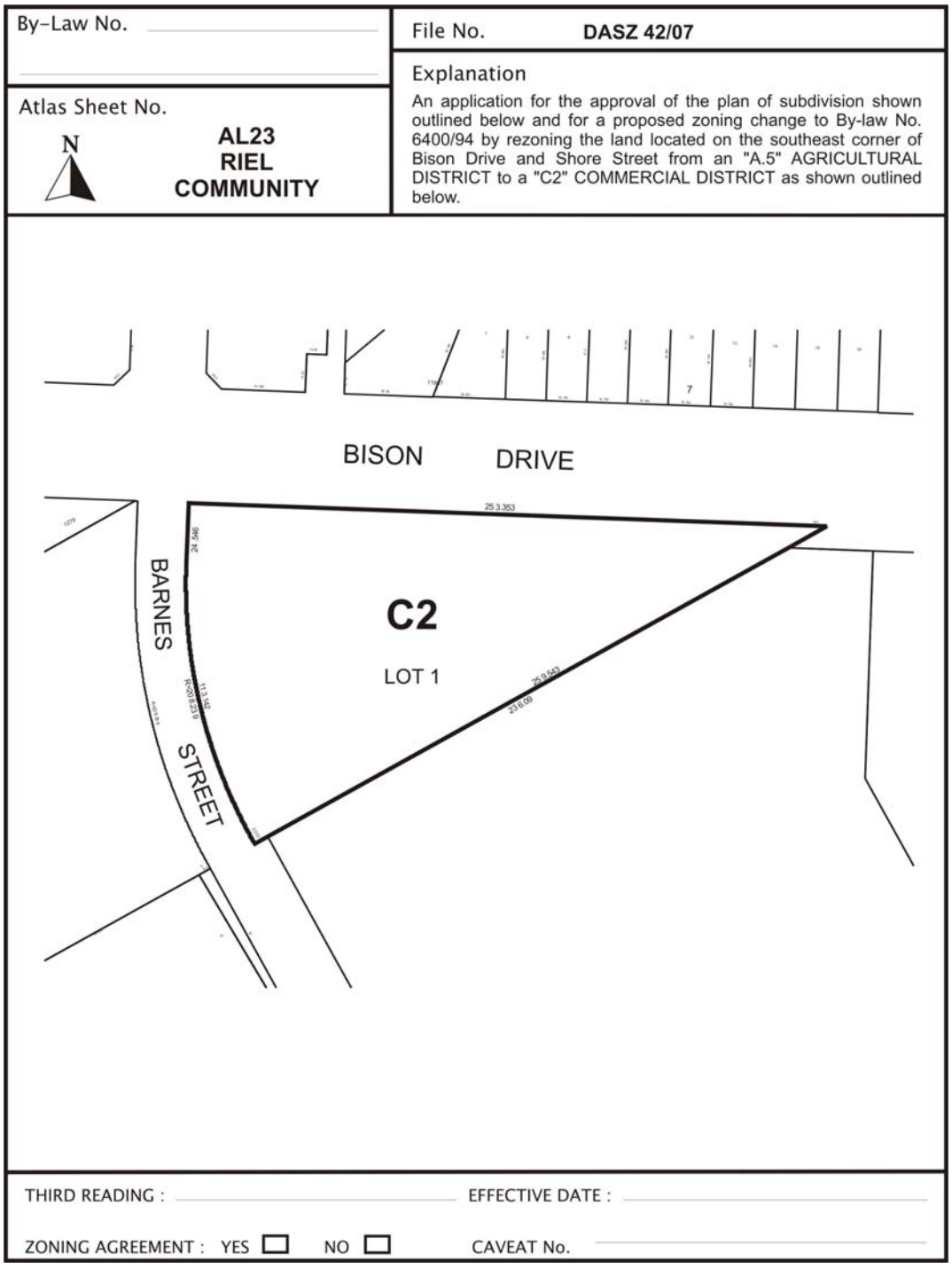


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 42/2007, dated February 18, 2008.

Exhibit "8" referred to in File DASZ 42/2007

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT THE SOUTHEAST CORNER OF BISON DRIVE AND BARNES STREET – DASZ 42/07

An application has been submitted by Thompson Dorfman Sweatman LLP on behalf of Manitoba Public Insurance to subdivide and rezone the land at the southeast corner of Bison Drive and Barnes Street. This "wedge"-shaped parcel lies between Bison Drive (to the north), Barnes Street (to the west), and the "Superstore" property (to the southeast).

Recommendation A (Plan of Subdivision):

It is recommended that approval of this application be subject to the revision of the Plan of Subdivision, as follows:

1. The Developer shall provide and legally open, at no cost to the City, property required for the 6.0-m (19.69-ft.) widening of the east side of the Barnes Street right-of-way for the full length of the Planned Area abutting Barnes Street, plus a right-of-way corner-cut in the southeast corner of the intersection of Barnes Street and Bison Drive, all as determined by the Director of Public Works.

2. The Developer shall provide and legally open, at no cost to the City, property required for the 9.0-m (29.53-ft.) widening of the south side of the Bison Drive right-of-way for the full length of the Planned Area abutting Bison Drive as determined by the Director of Public Works.

Recommendation B (Servicing Agreement):

It is recommended that approval of the amended Plan of Subdivision be subject to the applicant entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, construct in portland cement concrete pavement a 25-m extension, plus upstream transition, to the existing westbound left-turn storage lane on Bison Drive at Barnes Street, all as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, construct a Portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Bison Drive from the existing private approach serving the adjacent property (Superstore) to Barnes Street, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall pay to the City in cash, on demand, its share of the cost of the following services previously installed by the City in Bison Drive along the full length of the Planned Area abutting Bison Drive:

    a) a 4.0-m-wide, 200-mm-thick lane of portland cement concrete pavement and related works;
    b) street lighting in the south boulevard; and
    c) landscaping in the south boulevard;

    all as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall pay its share of the cost of surface improvements previously installed or to be installed by the City and/or others in Barnes Street, along the full length of the subject property abutting Barnes Street, as determined by the Directors of Public Works and Water and Waste.

4. The Developer shall be responsible for all costs associated with providing vehicular access to the Planned Area.

5. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and shalll pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

6. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, works required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall initiate, control, and assume all costs associated with the cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The removal of litter and refuse shall be conducted regularly, as determined by, and to the satisfaction of, the Director of Public Works.

8. The Developer shall ensure that construction traffic uses access routes determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust-free, and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, extend the wastewater sewer in Barnes Street from its current terminus, as required, to the satisfaction of the Director of Water & Waste.

10. The Developer shall pay its share of the regional land drainage system (2007 Rate = $10,727.00/acre), the existing watermain (2007 Rate = $80.00 per frontage foot), and the existing land drainage lateral sewer (2007 Rate = $18.00 per frontage foot) in Barnes Street.

11. The Developer shall pay the full cost of the engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

12. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 42/07
January 28, 2008

_____
E.L. Carrière, P. Eng., Chairman
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
T. S. Josephson, P. Eng.
Water & Waste Department