Agenda – Council – September 30, 2009

Report – Executive Policy Committee – September 9, 2009

Item No. 1 Subdivision and Rezoning – 895/963 Mission Street
(St. Boniface Ward)
File DASZ 8/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 9, 2009, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 8/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2009 dated May 12, 2009, to a "M3" Manufacturing Heavy District.

3. 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.

4. 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.

5. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. 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.

7. That the 'Subject City Property' shown outlined on Schedule "C" be declared surplus to the City's needs.

8. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned / rear age portions of Parcels A, B, C, F, G, H and J shown as 'City Property to be sold to Adjacent Owners' on Schedule 'B' to the adjacent owners at market value established by an internal appraisal report.

Report – Executive Policy Committee – September 9, 2009

9. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

10. That the Acting 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.

11. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 9, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 9, 2009, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2009, the Riel Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated May 12, 2009, and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On May 25, 2009, the Riel Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on July 13, 2009 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 895/963 Mission Street**
File DASZ 8/2009

For submission to: **Executive Policy Committee**

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

Report date: **July 14, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2009, the Riel Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated May 12, 2009 and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 8/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2009 dated May 12, 2009, to a "M3" Manufacturing Heavy District.

3. 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.

4. 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.

5. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. 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.

7. That the 'Subject City Property' shown outlined on Schedule "C", be declared Surplus to the City's needs.

8. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned / rear age portions of Parcels A, B, C, F, G, H and J

shown as ‘City Property to be sold to Adjacent Owners’ on Schedule ‘B’ attached, to the adjacent owners at market value established by an internal appraisal report.

9. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

10. 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.

11. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

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 of the Planning and Land Use Division dated May 12, 2009.

PUBLIC HEARING SUMMARY

File: DASZ 8/2009

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: July 13, 2009
May 25, 2009
Council Chamber, Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development (Barry Lucyk)

Subject:



N

RIEL COMMUNITY

APPLICANT : CITY OF WINNIPEG
FILE : DASZ 8/09
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. 200/2006 by rezoning the land shown outlined above from a "PR1" PARKS AND RECREATION 1 (Neighbourhood) District to an "M3" MANUFACTURING HEAVY DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : VILLE DE WINNIPEG
N° DE RÉFÉRENCE : DALZ 8/09
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1 [QUARTIER]) à la catégorie M3 (SECTEUR DE LA FABRICATION LOURDE). **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 895/963 Mission Street

Exhibits Filed:

1. Application dated March 20, 2009
2. Notification of Public Hearing dated April 16, 2009
3. Certificate of Titles A 50067, B 42186 and 903540
4. Title Searches 1215839, 1215840, 1215841, 1215842, 1215843, 1215844, 1215845, 1215846, 1215847,1215848, 1215849, 1215850, 1215851, 1215852, 1215860, 1215862, 1215863, 1215864, 1215865, 1215866, 1215867, 1215868, 1215869, 1215870, 1215871, 1215872, 1215873, 1215874, 1231394, 1788447, 1788448, 1788449, 1788471, 1817852, 1817853, 1832941, 2083420, 2281299, 2300654 and 2344117

5a. Letter of authorization dated February 20, 2009 from Douglas Doucette to the City of Winnipeg

5b. Letter of authorization dated February 20, 2009 from Bobby D. B. Lang to the City of Winnipeg

5c. Letter of authorization dated February 20, 2009 from Helmut and Linda Groth to the City of Winnipeg

5d. Letter of authorization dated February 20, 2009 from Benjamin and Susan Lang to the City of Winnipeg

5e. Letter of authorization dated February 20, 2009 from Delphine Lang to the City of Winnipeg

5f. Letter of authorization dated February 20, 2009 from Bobby Lang to the City of Winnipeg

6. Report from the Planning and Land Use Division dated May 12, 2009
7. Revised Report from the Planning and Land Use Division dated May 12, 2009
8. Inspection Report
9. Notice of Adjournment dated May 26, 2009
10. Audio Recording of representations of public hearing held on July 13, 2009

REPRESENTATIONS:

In Support:
Mr. K. Kowalke, Planner, Planning, Property and Development Department
Mr. B. Lucyk, Senior Negotiator, Real Estate Division, Planning, Property and Development Department
Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department

In Opposition
Nil

For Information:
Doug Doucette and Wendy Wolchock

Exhibit "7" referred to in File DASZ 8/2009

REVISED REPORT

ADMINISTRATIVE REPORT

ISSUE: Mission Street Rezoning - DASZ 8 / 09

Critical Path: RIEL Community Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
Kevin Lalor Senior Planner			

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 8/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2009 dated May 12, 2009, to a "M3" Manufacturing Heavy District.

3. 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.

4. 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

5. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. 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.

7. That the 'Subject City Property' shown outlined on Schedule "C", be declared Surplus to the City's needs.

8. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned / rear age portions of Parcels A, B, C, F, G, H and J shown as 'City Property to be sold to Adjacent Owners' on Schedule 'B' attached, to the adjacent owners at market value established by an internal appraisal report.

9. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

10. 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.

11. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

- The purpose of the subject application is to:
    a. Amalgamate the existing fourteen (14) zoning lots into ten (10) parcels, seven (7) of which will remain under expanded private ownership as surplus City land is sold to the adjacent land owners. Three (3) parcels will be retained by the City of Winnipeg for future sale.
    b. The City of Winnipeg property currently zoned "PR1" Parks and Recreation is to be rezoned to an "M3" Manufacturing Heavy Industrial District.

- With the recommended rezoning, all ten (10) lots will be zoned "M3" Manufacturing Heavy Industrial District.
- 29,100 square feet of City lands will be declared surplus.

HISTORY

APPLICANT:	City of Winnipeg
OWNER:	City of Winnipeg, Helmut & Linda Groth, Douglas Doucette, Benjamin & Suzanne Lang, Bobby Lang, Delphine Lang

LOCATION:	North of Mission Street, West and East of Auburn Street in the Mission Neighbourhood (5.549) of the St. Boniface Ward.
LEGAL DESCRIPTION:	Lots 43/58. Block 2, Plan 1028; Lots 43 and 33, Block 1 and Lot 55, exc Ely 5 feet and all Lot 56, Block 2, Plan 1028; Lot 1/6, both inclusive, and Lots 75 to 80, both inclusive, Block 4, Plan 1028; Parcel 1, Plan 11510, Lot 5/7, Plan 39318; Lots 63/74, Block 4, Plan 1028; Parcel D/N, P/S, AA/HH, JJ/NN, PP, Plan 27240 WLTO in RL 45 Parish of St. Boniface

SITE DESCRIPTION:

Size:	2.5 acres (Planned Area)
Plan Winnipeg:	Industrial Policy Area
Zoning:	PR1 and M3

CURRENT LAND USE: Under developed land (Attachment "1").

SURROUNDING LAND USES AND ZONING:

North: CNR Redditt Main Line (Attachment "2").
South across Mission Street, Shell Canada owns most of the land to the south, which are storage sites for its oil and gas reserves.
East: small industrial operations zoned M3 along the north side of Mission St
West: Arne's Welding with similar industrial operations along Mission St zoned M3.

DESCRIPTION OF THE DEVELOPMENT:

- The City's Real Estate Division has successfully met with all of the subject property owners and arrived at a new plan of subdivision, which is the subject of the current application.
- In the current application, ten (10) new lots of varying sizes are to be created. As outlined on attached Schedule "A", proposed lots A,B,C, F,G,H,J will constitute the larger private lots, all of which will benefit from their acquisition (at fair market value) of the rear lands currently owned by the City.
- In most cases, the existing private properties along Mission Street will triple in overall area.
- The remaining three proposed lots, D,E & K, will be retained by the City and sold at a later date.
- As with the initial application, the existing "PR-1" all 2.5 acres, will be rezoned to a "M3" Industrial category in order bring those lands into conformity with Plan Winnipeg policy and allow for the orderly development of the overall area.
- The roads to be closed under DAC 16/06 fall within the lands being retained by the City of Winnipeg.

A. DEVELOPMENT CONSIDERATIONS

1. Background

- The subject "PR" land which is approximately 2.5 acres in size is part of what was a much larger parcel when it was purchased by the City of Winnipeg back in 1965.

- It was never developed into a formal park beyond the placement of a swing set and other ancillary items.
- In 1991, the “PR” lands were declared surplus to the City’s needs and under DAZ 209/91, a portion of the overall total was rezoned to “M3’ Industrial and sold to private interests.
- In 1999, Standing Committee on Property and Development recommended that” all City lands north of Mission Street on Misc. Plan 10620 be declared surplus, be consolidated with Manitoba Hydro lands to be acquired, and then be subdivided and sold.
- That recommendation was adopted by Council June 23/99.
- In April of 2008, an application (DASZ 12/08) was initiated, the purpose of which was to rezone the subject residual parcel of “ PR-1” to an industrial classification and consolidate that parcel with adjoining City owned “ M3” lands to the immediate east including several unopened street rights-of-way (Paris & Auburn).
- The streets were to be closed under accompanying DAC 16/06 and the end result would have been the sale of three parcels, all of generally equivalent size.
- At the public hearing, a number of the private property owners along Mission Street appeared in opposition to the plan.
- It was their collective assertion that a portion of the rear lands, owned by the City, should be sold to the existing dwellings and businesses- at fair market value.
- The matter was laid over until the May 12/08 public hearing for further review.
- On May 12/08, Riel Community Committee, after some debate on the issue, recommended a further layover until June 23/08.
- The City’s Real Estate Division was instructed to meet with the property owners, in question, and attempt to negotiate an arrangement whereby the subject property owners would be able to purchase (at fair market value) a portion of the back lands to add to their existing properties.
- The Real Estate Division agreed to the Community Committee’s recommendation but withdrew the initial application in order to allow for adequate time to meet with individual owners and create a new subdivision plan.

2. <u>Land Use Analysis</u>

- The Mission Street area has historically been an region of industrial activity; however the fragmentary nature of the existing land parcels is not consistent with the requirements of modern clean industrial and employment uses.
- The majority of these lands have sat in an undeveloped state for a substantial period of time and are detrimental to surrounding properties.
- The proposed rezoning and subdivision is in compliance with Plan Winnipeg and will allow for the orderly development and elimination of ongoing maintenance issues with the land, which is in the interest of the surrounding property owners, including the several non conforming residential land owners who still reside along Mission Street.
- The efforts of the Real Estate Division to negotiate a solution with the private property owners (in concurrence with the recommendations of the Riel CC) will ultimately prove to be in everyone’s best long term interests.
- It is therefore recommended that your Committee endorse the subject rezoning and subdivision as submitted.

B. REASONS FOR RECOMMENDATION

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

- The area is a designated Industrial area under Plan Winnipeg.
- The consolidation and rezoning will allow for the orderly development instead of the fragmented way in which development has occurred in the past. It is one of the last infill areas left in the Mission Street area.
- Allowing the private property owners along Mission Street the opportunity to expand their operations and/or increase the size of their residential lots will ultimately add value to those lands which will show dividends in the future.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Kevin Lalor
Date:	May 12, 2009
File No.	DASZ 8/09

Appendix:
1. Schedule “A” for File No. DASZ 8/09, Riel Community Committee, dated May 12, 2009.
2. Schedule “B” Misc. Plan No. 10620/25
3. Schedule “C” Misc. Plan No. 10620/24
4. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.
5. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

KL/jsw

Schedule “**A**” for File No. DASZ 8/09, Riel Community Committee, dated May 12, 2009.

By-Law No. _____

File No. **DASZ 8/09**

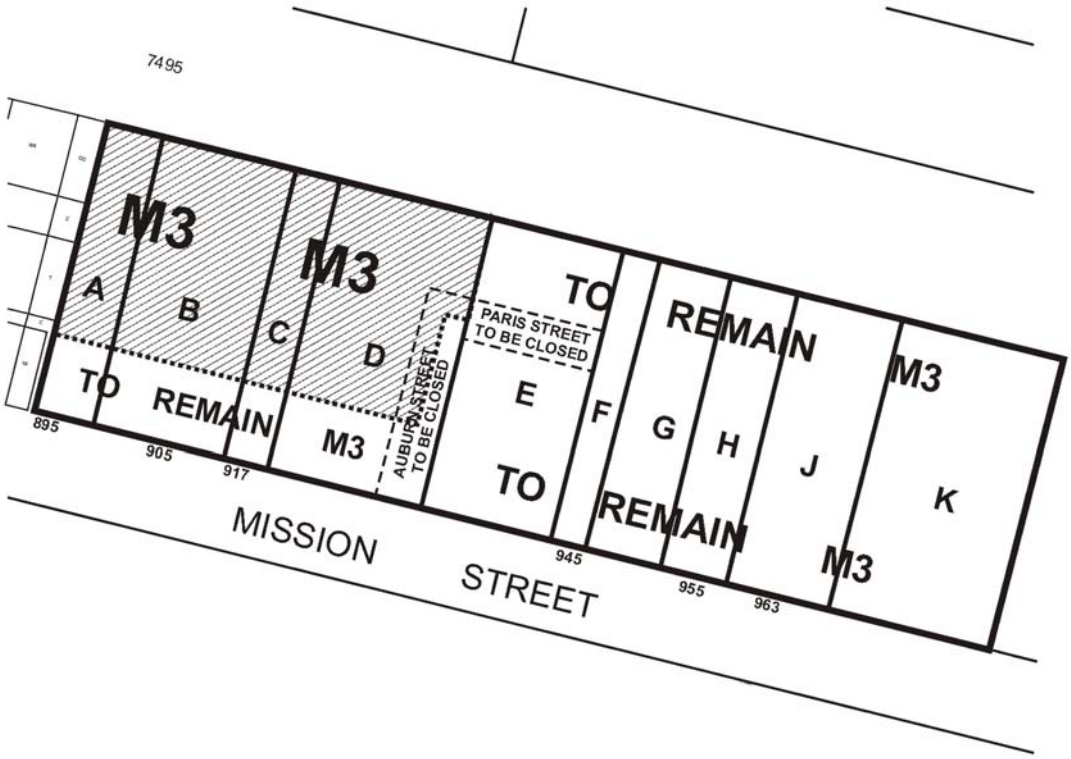
Atlas Sheet No.

N

Z29 RIEL COMMUNITY

Explanation

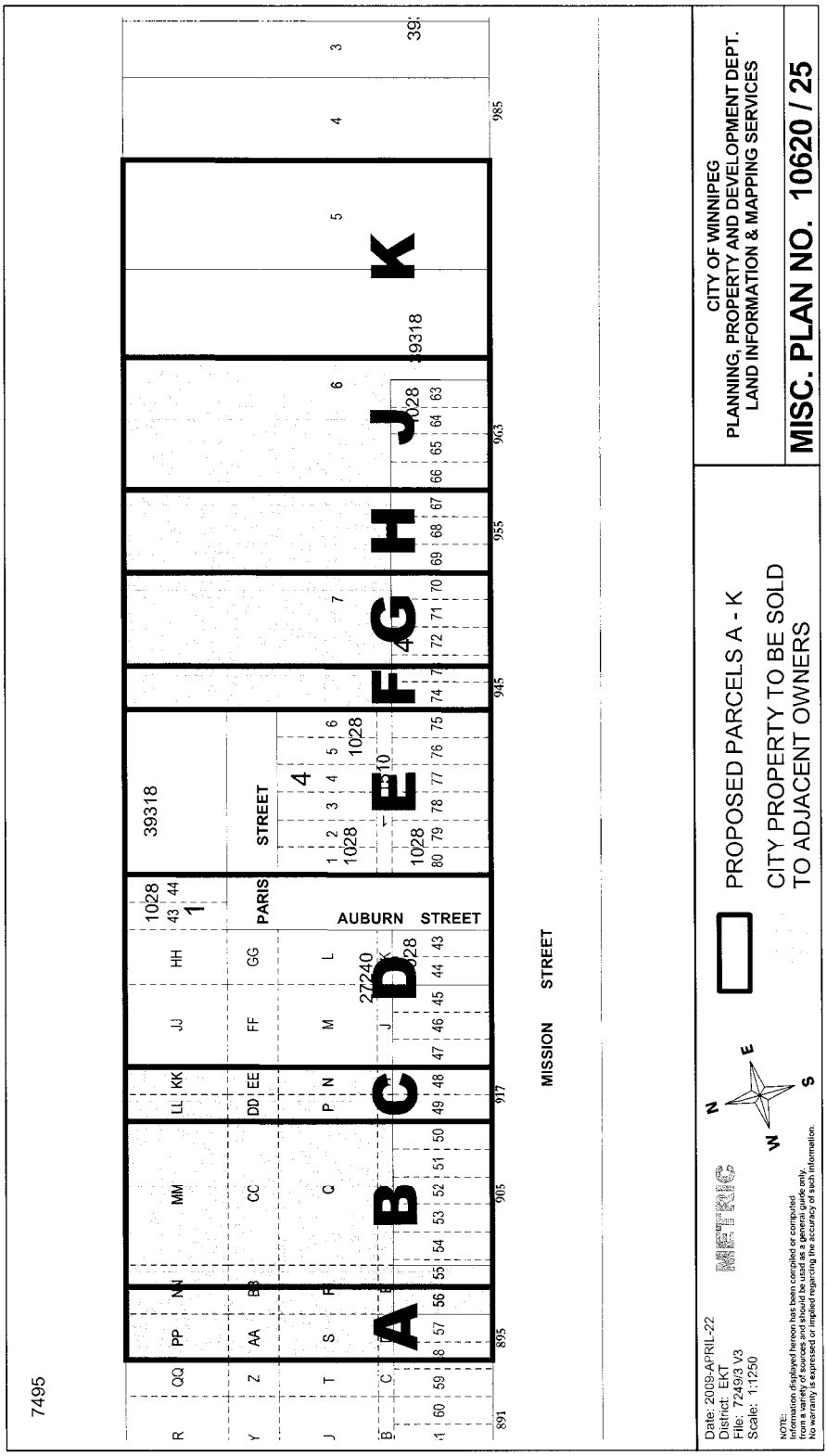
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 895/963 Mission Street from a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to an "M3" MANUFACTURING HEAVY DISTRICT as shown outlined below.



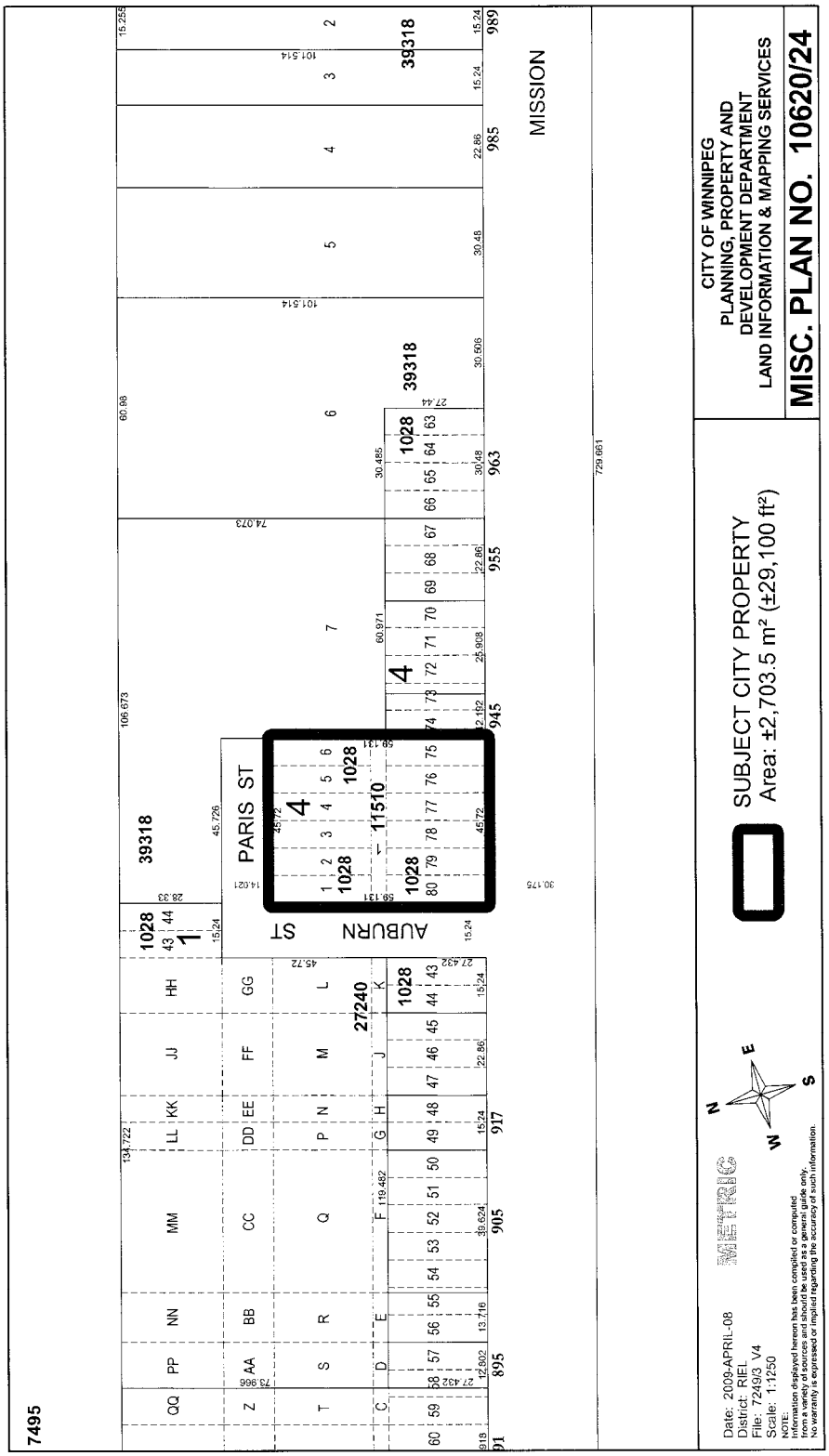
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "**B**" Misc. Plan No. 10620/25.



Schedule "**C**" Misc. Plan 10620/24



Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

