Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 2 Subdivision and Rezoning - 2395 McGillivray Boulevard
File DASZ 7/2003

STANDING COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 7/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2003, dated June 2, 2003, 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 June 5, 2003

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 7/2003, dated June 2, 2003, to a "M1" Industrial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That the use of the lands be restricted to a Church and Accessory Uses.

    B. That no buildings or structures be erected within a perpendicular distance of 100 feet (30.5 metres) from the north limit of McGillivray Boulevard as of June 2, 2003, prior to any widening.

4. 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 one (1) additional building site.

Report - Standing Policy Committee on Property and Development - July 3, 2003

5. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this 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 Development 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 when the Zoning Agreement has been filed by caveat as a first charge 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 unless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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 that 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.

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2003, the Assiniboia Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Proposed Subdivision and Rezoning - 2395 McGillivray Boulevard File DASZ 7/2003**

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

Prepared by: **Josie Marques, Clerk**

Report date: **June 18, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2003, the Assiniboia Community Committee concurred in the administrative recommendation, and recommends to the Standing Policy Committee on Property and Development, namely:

1. That the plan of subdivision proposed under File DASZ 7/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2003, dated June 2, 2003, 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 June 5, 2003

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 7/2003, dated June 2, 2003, to a "M1" Industrial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That the use of the lands be restricted to a Church and Accessory Uses.

    B. That no buildings or structures be erected within a perpendicular distance of 100 feet (30.5 metres) from the north limit of McGillivray Boulevard as of June 2, 2003, prior to any widening.

4. 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 one (1) additional building site.

5. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this 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 Development 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 when the Zoning Agreement has been filed by caveat as a first charge 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 unless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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 that 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.

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

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

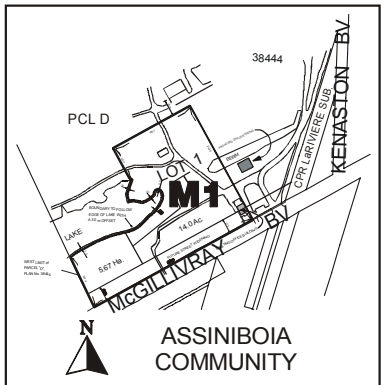
File: DASZ 7/2003

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Public Hearing: June 17, 2003
West Committee Room, Council Building
510 Main Street

Applicant: Hilderman Thomas Frank Cram Landscape Architecture & Planning (Gary Hilderman)
500 - 115 Bannatyne Avenue, East
Winnipeg, MB
R3B 0R3

Subject:



APPLICANT : HILDERMAN THOMAS FRANK CRAM

FILE : DASZ 7/03

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 "M3" INDUSTRIAL DISTRICT to an "M1" INDUSTRIAL DISTRICT to allow for the establishment of a church and accesory uses. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 2395 McGillivray Boulevard

Exhibits Filed:

1. Application dated May 9, 2003
2. Notification of Public Hearing to Applicant dated June 2, 2003
3. Manitoba Status of Title 1809304
4. Letter of authorization dated April 8, 2003
5. Sketch of subject property
6. Report from the Acting Manager of Planning and Land Use dated June 2, 2003
7. Report from the Administrative Coordinating Group dated June 5, 2003
8. Photograph(s) of the site and Inspection Notice
9. Letter from Neil G. MacKay, Neil G. MacKay Law Office, on behalf of Alfalfa Products Limited., dated June 16, 2003, stating concerns with the application.
10. Letter from George Stilwell, President, Alfalfa Products Limited, submitted at the public hearing, stating concerns with the application.

REPRESENTATIONS:

In Support:

Allan Donald
Ralph Dyck
Gary Hilderman, Hilderman Thomas Frank Cram Landscape Architecture & Planning
Ken Ross
Andrew Thompson
Bruce Thompson

In Opposition:

Nil

For Information:

Neil G. MacKay, Q.C., Neil G. MacKay Law Offices
Bill Koesis and George Stillwell, Alfalfa Products Limited

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Gary Hilderman , Hilderman Thomas Frank Cram Landscape Architecture & Planning, appeared in support of the application and gave a brief overview on the application. Mr. Hilderman indicated concurrence in the reports of the Manager of Planning and Land Use and Administrative Coordinating Group.

Bill Koesis and George Stillwell, Alfalfa Products Limited, appeared for information. They stated they were not in opposition to the application. They also stated that concern was that the applicant be fully aware of Alfalfa Products Limited nature of business and specifically the odors generated during the summer months. They further stated that there has been a lot of development in the area and they were concerned that the zoning changes being granted not affect their business.

Allan Donald appeared in support of the application. Mr. Donald stated that the decision to locate on this property was based on the knowledge of what industries were in existence in the surrounding area. He stated he had no issues with the alfalfa plant.

In rebuttal Mr. Hilderman made no further statements.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DASZ 7/03 June 2, 2003
Our c/f CP 500 (.668)

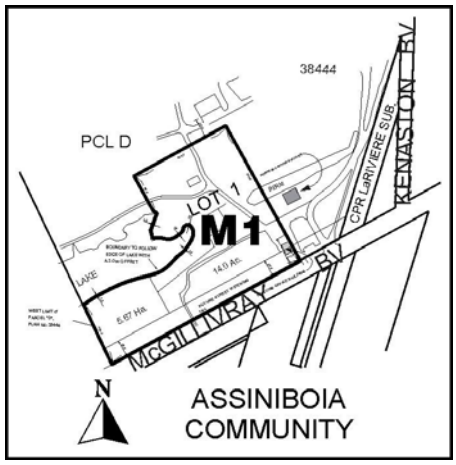
Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the north side of McGillivray Boulevard west of the CPR La Riviere Subdivision
Assiniboia Community
File No. DASZ 7/03

An application has been received from Hilderman Thomas Frank Cram (Garry Hilderman) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "M3" Industrial District to a "M1" Industrial District to allow for the establishment of a church and accessory uses.

RELATED FILES: N.A.



SITE DESCRIPTION:

Site Area: 14.0 acres (5.67 ha.)

Existing Land Use and Zoning: Industrial land zoned "M3"

Surrounding Land Use and Zoning:

North: Industrial land zoned "M3"
South: across McGillivray, commercial development zoned "C1"; residential zoned "R1-20"
East: Industrial land zoned "M3"
West: Fort Whyte Nature Centre zoned "M1"

DEVELOPMENT DESCRIPTION:

The subject property is being subdivided from the lands owned by Lafarge Canada Inc. The property is being purchased by the Fort Whyte Baptist Church with plans to construct a new sanctuary on the site. Access will be from McGillivray Boulevard. A caveat will protect 2.3 acres of land to provide for the future widening of McGillivray Boulevard. An existing 2-storey building on the site, used as an office building by Lafarge Canada, will eventually be demolished. The adjacent Fort Whyte Centre to the west supports the proposed development. Churches are a permitted use in the "M1" zoning district.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The administration supports the proposed rezoning as being compatible with the suburban development in the Whyte Ridge community on the south side of McGillivray.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 7/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 7/03, attached hereto and dated June 2, 2003, 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 _____.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 7/03, attached hereto and dated June 2, 2003, to a "M1" Industrial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. that the use of the lands be restricted to a Church and Accessory Uses.

B. That no buildings or structures be erected within a perpendicular distance of 100 feet (30.5 metres) from the north limit of McGillivray Boulevard as of June 2, 2003, prior to any widening.

IV. That a 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/or the creation of one (1) additional building site.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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 when the Zoning Agreement has been filed by caveat as a first charge 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 u**nless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

IX. 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.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(Assiniboia and City Centre Communities)
986-5017

/jc

By-Law No. _____

File No. **DASZ 7/03**

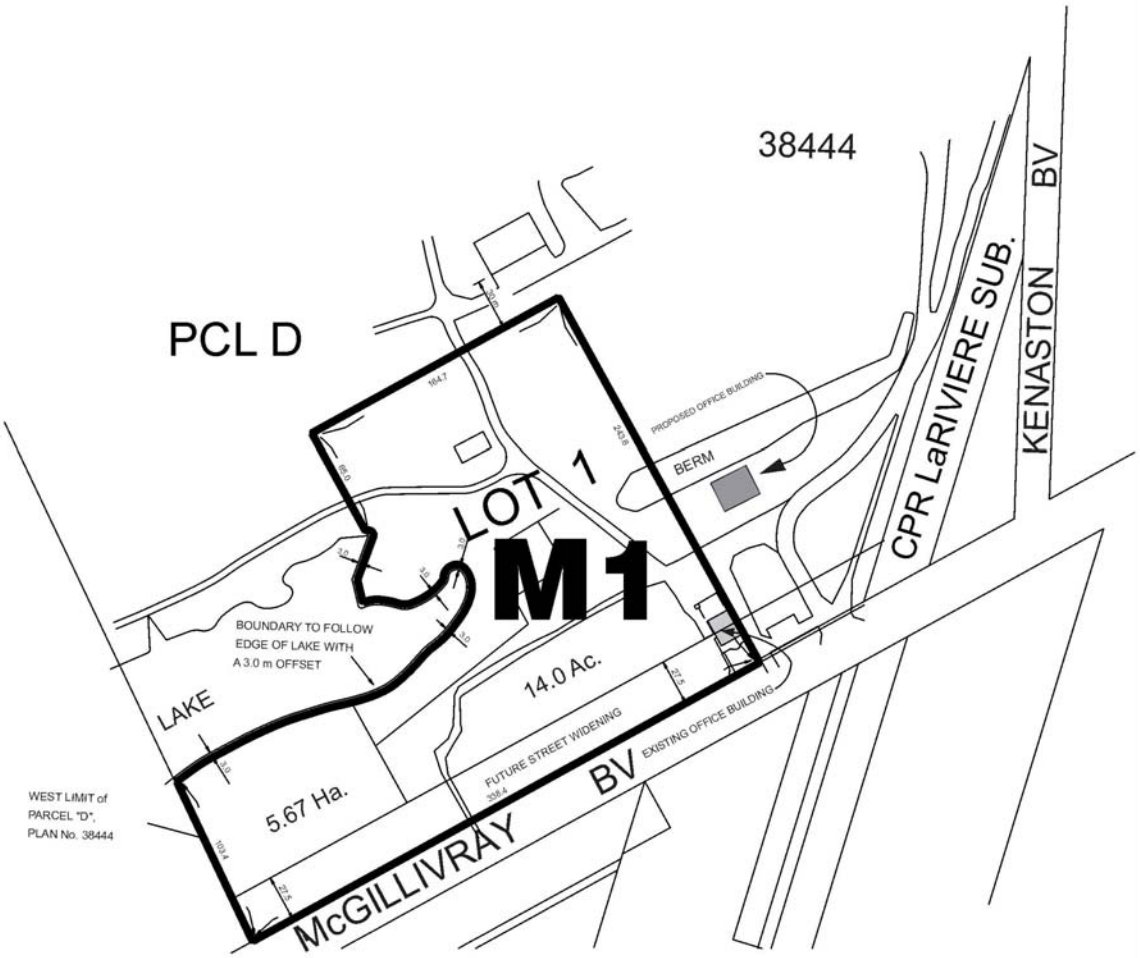
Atlas Sheet No.

N

AJ19
ASSINIBOIA
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change on land located at 2395 McGillivray Boulevard from an "M3" INDUSTRIAL DISTRICT to an "M1" INDUSTRIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed plan of subdivision and rezoning on land located at 2395 McGillivray Boulevard – DASZ 7/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE ASSINIBOIA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

June 5, 2003

Re: Proposed subdivision and rezoning on land located at 2395 McGillivray Boulevard – DASZ 7/03

An application has been submitted by Hilderman Thomas Frank Cram to subdivide and rezone land located at 2395 McGillivray Boulevard.

It is recommended that approval of DASZ 7/03 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay to the City, in cash, on demand its share of the following services to be installed in the future by the City in McGillivray Boulevard along the full length of proposed Lot 1 abutting McGillivray Boulevard:
   i) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
   ii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the north boulevard;
   iii) street lighting in the north boulevard;
   iv) landscaping in the north boulevard;
   all as determined by the Director of Public Works.

2. a) The Developer shall, prior to the issuance of a building permit, submit a report for the Director of Water and Waste's approval prepared by a qualified municipal engineer outlining their plan for accommodating the land drainage run off from the site and the impact that the plan will have on the Regional Land Drainage Plan for the South Tuxedo Drainage Area.
   b) The Developer shall enter into an agreement with Lafarge Canada Inc. and The Fort Whyte Centre with respect to the drainage of the site if the above referenced drainage report recommends that the site be drained into Lake Muir and is approved by the Director of Water and Waste.

3. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 7/03
June 5, 2003

V:\7-ACG Reports\03ag7-report.doc

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division