Agenda - Council - October 22, 2003

Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 6 Subdivision and Rezoning - 390/396 Provencher Boulevard
File DASZ 22/2003

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 22/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2003 dated September 1, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2003 dated September 1, 2003, to a "C2" Commercial 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 apply to the subject site and to contiguous land owned or leased by the applicant, to include the following conditions:

    A. That the establishment of the proposed parking area to the east of the existing multi-tenant commercial building be in accordance with accompanying plans submitted and identified as Schedule B.
    B. That a minimum ten (10) parking stalls be assigned for use by the Save Our Seine Environment Inc. at the locations indicated.
    C. That any changes made to said Plan only be made with the joint approval of Mycom, the City of Winnipeg and the Save Our Seine Environment Inc.

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 if deemed applicable.

Report - Standing Policy Committee on Property and Development - September 30, 2003

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 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 and 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 - September 30, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2003, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Subdivision and Rezoning - 390/396 Provencher Boulevard**
File DASZ 22/2003

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

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

Report date: **September 11, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 22/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2003, dated September 1, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2003 dated September 1, 2003, to a "C2" Commercial 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 apply to the subject site and to contiguous land owned or leased by the applicant, to include the following conditions:

    A. That the establishment of the proposed parking area to the east of the existing multi-tenant commercial building be in accordance with accompanying plans submitted and identified as Schedule B.
    B. That a minimum ten (10) parking stalls be assigned for use by the Save Our Seine Environment Inc. at the locations indicated.
    C. That any changes made to said Plan only be made with the joint approval of Mycom, the City of Winnipeg and the Save Our Seine Environment Inc.

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 if deemed applicable.

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 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 and 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. That the Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated September 1, 2003.

PUBLIC HEARING SUMMARY

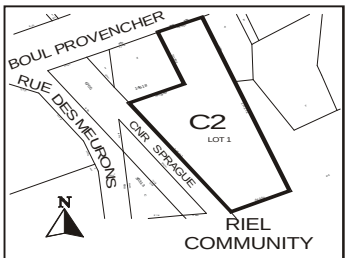
File: DASZ 22/2003

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Vandal

Public Hearing: September 8, 2003
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Mycom Group Inc. (Robert Antymniuk)
1208-220 Portage Avenue
Winnipeg, MB R3C 0A5

Subject:



APPLICANT: MYCOM GROUP INC.
FILE: DASZ 22/03
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 "M1" INDUSTRIAL DISTRICT and an "M2" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to reflect the existing use. **For information, phone Mr. K. Lalor at 986-5069.**
DEMANDEUR : MYCOM GROUP INC.
N° DE RÉFÉRENCE : DASZ 22/03
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passerait des catégories M1 (SECTEUR INDUSTRIEL), M2 (SECTEUR INDUSTRIEL) et PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie C2 (SECTEUR COMMERCIAL) de sorte à refléter leur usage actuel. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069**.

Premises Affected: 390/396 Provencher Boulevard

Exhibits Filed:

1. Application dated July 9, 2003
2. Notification of Public Hearing to Applicant dated August 5, 2003
3. Manitoba Status of Titles 1177020; 1243989; 1870149; 1870150
4. Surveyor's Building Location Certificate and Sketch
5. Letter of Authorization from 2610647 Manitoba Ltd., to Mycom Group Inc., dated May 30, 2003
6. Extract of Atlas Sheet Z27
7. Site Plan
8. Misc. Plan No. 8464/8 dated August 4, 1998
9. Title Plot Plan for DASZ 22/2003
10. Site Plan dated July 7, 2003
11. Master Site Plan and New Parking Detail Layout Site Plan
12. Report from the Manager of Planning and Land Use dated September 1, 2003
13. Photographs of the site and Inspection Notice
14. Presentation submitted by David Watson at the Public Hearing

REPRESENTATIONS:

In Support:

Robert J. Antymniuk
Craig Fredette

In Opposition:

Nil

For Information:

David Watson, Save our Seine

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Robert J. Antymniuk appeared in support of the application. Mr. Antymniuk stated that this application had been initiated approximately six (6) years ago and since that time he had met with Save our Seine (SOS) and members of the City of Winnipeg administration to arrive at the application being considered by Committee.

David Watson, SOS, appeared for informational purposes and read from a prepared presentation, filed as Exhibit 14. Mr. Watson asked if the funds to be allocated to Save Our Seine would be available in 2004 to which the Senior Planner replied he would contact Donna Beaton and respond to Mr. Watson personally.

Exhibit “12” referred to in File DASZ 22/2003

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DASZ 22/03 Sept. 1, 2003
Our c/f CP 500 (.502)

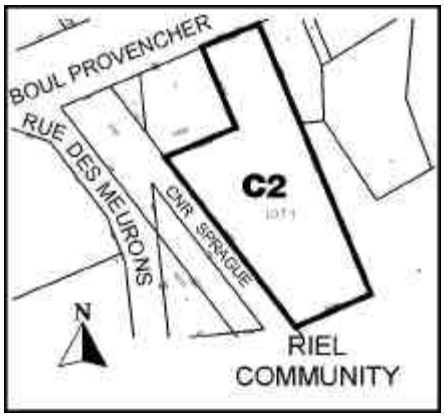
Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located : 390/396 Provencher Blvd.
Riel Community
File No. DASZ 22/03

An application has been received from Micom Group Inc. 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 “ M1 & M2” Industrial District and “ PR-1” Parks and Recreation District to a “ C2”Commercial District to both reflect existing use of the site and possible future expansion.

RELATED FILES:



SITE DESCRIPTION:

Site Area:

Overall site area encompasses approximately 2.3 acres, .47 acres of which is newly acquired public reserve on the east side of the property.

Existing Land Use and Zoning:

There is currently a multi- tenant strip mall and a free standing Robin's Donuts outlet in place on the site. The land , for the most part, is zoned M2 and M1 Industrial. The recently acquired parcels along the Seine River are still zoned PR-1 Parks and Recreation.

Surrounding Land Use and Zoning:

North: Properties to the north of Provencher are occupied with several businesses (the Belgian Hearts Credit Union, Solar Designed Homes etc.) and zoned C2 Commercial.
South: To the south and southeast is vacant Public Reserve land and a number of businesses such as Fernie's Enterprise and the Manitoba Hydro Electric Board zoned M1 Industrial.
East: Immediately to the east is Public Reserve land and the Seine River.
West: To the west of Rue Des Meurons is the Franco Manitobaine Cultural Centre zoned RM-4 Multiple Family.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to consolidate the three identified PR parcels(see accompanying maps) with an existing and well established commercial development which includes a multi-tenant mall and a Robin's Donut Restaurant. While the site is predominantly commercial in nature and is designated a Neighbourhood Policy Area under Plan Winnipeg, it is still zoned industrial. Everytime even minor changes or additions are made to the site, variances are required which can be cost prohibitive. It therefore makes sense that the owners would change to a zoning category (C2 Commercial) that more clearly reflects existing and future land use. In addition to the proposed zoning change, the addition of adjoining property will allow for possible building expansion and the creation of new and much needed parking areas.

PLAN WINNIPEG:

As previously mentioned, the site falls within a designated Neighbourhood Policy Area which allows for commercial development. The subject application therefore fully complies with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

The rezoning part of the subject application only makes good land use and business sense given that all business being conducted on the site is commercial in nature and the industrial zoning now in place does not conform with Plan Winnipeg policy for the lands in question. In order to facilitate some possible future building expansion of the existing multi –

tenant mall and create additional parking on the east side of the property, the owners have negotiated with and acquired from the City, an approximately half acre strip of Public Reserve land which is part of a much larger Public Reserve area extending east to the Seine River. In advance of declaring the subject PR lands surplus and selling them to the owner of the adjacent properties, the City's Planning and Real Estate Divisions engaged in lengthy consultations with the Save Our Seine River Environment Inc. to ensure that their concerns were identified and addressed. Save Our Seine Environment Inc. has agreed to the sale, consolidation and rezoning of the subject PR lands, in conjunction with Micom and the City, if 1)at least 10 parking stalls are assigned to the aforementioned corporation when the new parking areas east of the existing mall are established and 2) the new parking areas(with fencing, landscaping etc.) are developed in accordance with plans agreed upon by all parties earlier this year. (see accompanying Future Conceptual Parking Plan identified as Schedule B). Minor changes to the aforementioned Plan are to be subject to approval by all parties to the Agreement (Micom, the City of Winnipeg and Save Our Seine Environment Inc.) It should be noted that as outlined, the agreed plan (Schedule B) does not permit building expansion on the south side of the existing IGA Store. That area is restricted to loading space loading related facilities.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 22/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 22/03, attached hereto and dated Sept.1/03, for registration in the Winnipeg Land Titles Office.

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 22/03, attached hereto and dated Sept.1/03, to a " C2" Commercial 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 apply to the subject site and to contiguous land owned or leased by the applicant, to include the following conditions:

A). That the establishment of the proposed parking area to the east of the existing multi-tenant commercial building be in accordance with accompanying plans submitted and identified as Schedule (B). That , as indicated, a minimum ten(10) parking stalls be assigned for use by the Save Our Seine Environment Inc.at the locations indicated. That any changes made to said Plan only be made with the joint approval of Micom, the City of Winnipeg and the Save Our Seine Environment Inc.

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 if deemed applicable.

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 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 and 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 (24) months from the date that the said rezoning by-law is adopted by Council unless an extensionof 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.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Kevin Lalor
Senior Planner, Acting Coordinator
Urban & Neighbourhood Planning Branch
Riel Community
986-5069

/jc

By-Law No. _____

File No. **DASZ 22/03**

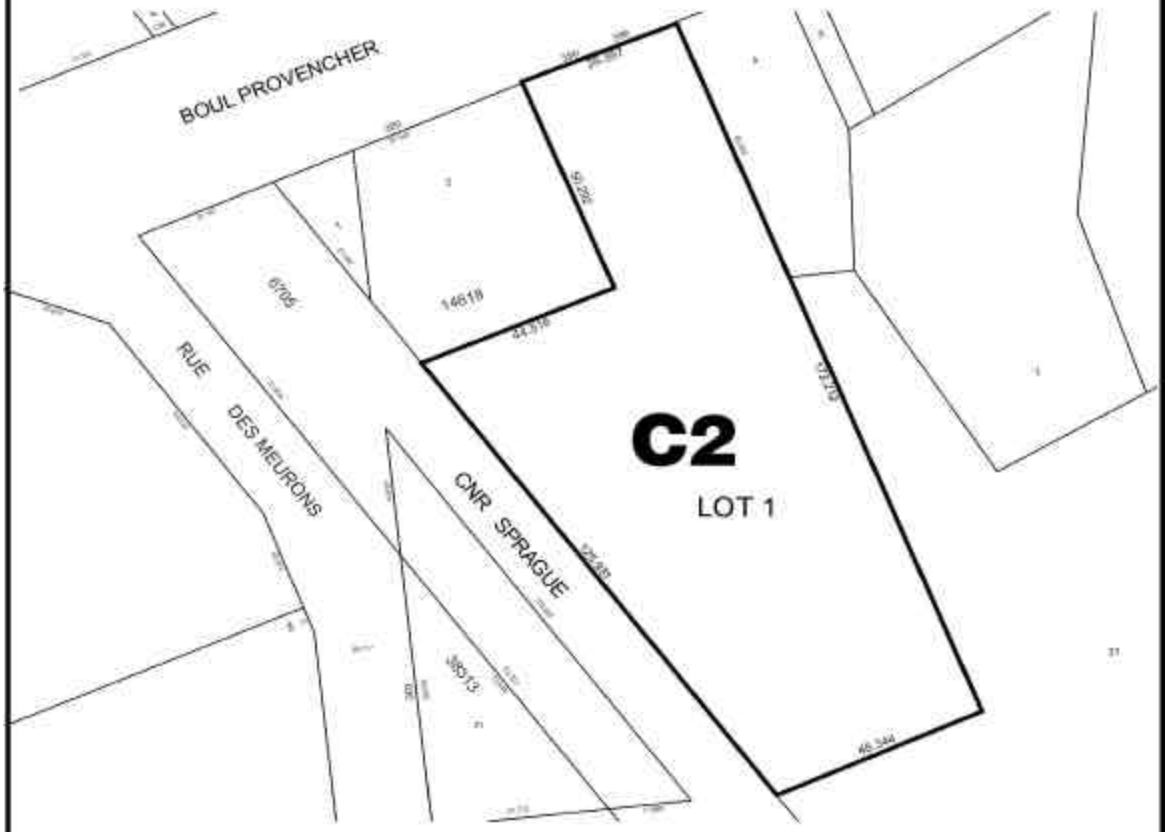
Atlas Sheet No.

N

Z27
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 6400/94 by rezoning the land located at 390 / 396 Provencher Boulevard from an "M1" INDUSTRIAL DISTRICT, an "M2" INDUSTRIAL DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : _____ CAVEAT No. _____

Schedule "A" for File No.DASZ 22/03, Riel Community Committee, dated Sept.1/03

Schedule "B"
for File No. DASZ 22/03
Riel Community,
Dated September 1, 2003