Agenda - Council - October 22, 2003

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

Item No. 12 Rezoning - Northwest corner of Leila Avenue and Pipeline Road File DAZ 230/2003

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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/2003 dated September 8, 2003, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following as permitted uses:

        i. Appliance stores
        ii. Art or antique shop
        iii. Bakeries
        iv. Banks
        v. Barber shops
        vi. Beauty parlors and salons
        vii. Bicycle sales or repair shops
        viii. Book stores
        ix. Dressmaking shops, custom
        x. Drug stores
        xi. Dry cleaning receiving station (no processing on premises)
        xii. Dry good and fabric stores
        xiii. Eating and drinking stores
        xiv. Florist shops
        xv. Food stores
        xvi. Furniture shops
        xvii. Gift shops
        xviii. Hardware shops
        xix. Hat repair shop and store
        xx. Jewelry shops
        xxi. Music stores
        xxii. News stores

xxiii. Novelty shops
xxiv. Offices, business and professional
xxv. Pet shops
xxvi. Photographer
xxvii. Camera and photographic supply store
xxviii. Record stores
xxix. Shoe stores and repair shops
xxx. Sporting goods stores
xxxi. Stationary stores
xxxii. Tailor shops, custom
xxxiii. Tobacco shops
xxxiv. Toy stores
xxxv. Travel bureaus
xxxvi. Accessory uses when located on the same lot, loading space, and parking

2. That the developer shall enter into a Servicing Agreement with the City of Winnipeg for development of this property in accordance with the Administrative Coordinating Group's report dated September 5, 2003.

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 the market value of the land.

4. 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 this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

8. 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.

Agenda - Council - October 22, 2003

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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Northwest corner of Leila Avenue and Pipeline Road**
File DAZ 230/2003

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 23, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 230/2003 dated September 8, 2003, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following as permitted uses:

        i. Appliance stores
        ii. Art or antique shop
        iii. Bakeries
        iv. Banks
        v. Barber shops
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        ix. Dressmaking shops, custom
        x. Drug stores
        xi. Dry cleaning receiving station (no processing on premises)
        xii. Dry good and fabric stores
        xiii. Eating and drinking stores
        xiv. Florist shops
        xv. Food stores
        xvi. Furniture shops
        xvii. Gift shops
        xviii. Hardware shops

xix. Hat repair shop and store
xx. Jewelry shops
xxi. Music stores
xxii. News stores
xxiii. Novelty shops
xxiv. Offices, business and professional
xxv. Pet shops
xxvi. Photographer
xxvii. Camera and photographic supply store
xxviii. Record stores
xxix. Shoe stores and repair shops
xxx. Sporting goods stores
xxxi. Stationary stores
xxxii. Tailor shops, custom
xxxiii. Tobacco shops
xxxiv. Toy stores
xxxv. Travel bureaus
xxxvi. Accessory uses when located on the same lot, loading space, and parking

2. That the developer shall enter into a Servicing Agreement with the City of Winnipeg for development of this property in accordance with the Administrative Coordinating Group's report dated September 5, 2003.

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 the market value of the land.

4. 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 this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated September 8, 2003 and in the report from the Administrative Coordinating Group dated September 5, 2003.

PUBLIC HEARING SUMMARY

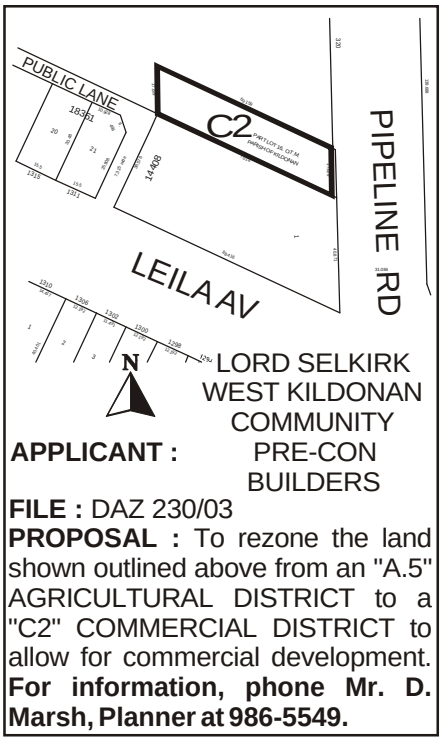
File: DAZ 230/2003

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko

Public Hearing: September 16, 2003
Community Committee Chamber, 1760 Main Street

Applicant: Pre-Con Builders (Rob Lee)
1540 Taylor Avenue
Winnipeg, Manitoba
R3Y lY1

Subject:



Premises Affected: Northwest corner Leila Avenue and Pipeline Road

Exhibits Filed: 1. Application dated July 29, 2003

2. Notification of Public Hearing to Applicant dated August 7, 2003
3. Manitoba Status of Title 1088071
4. Surveyors Staking Certificate and Sketch dated May 5, 2003
5. Letter of authorization dated April 2, 2003
6. Report from the Manager of Planning and Land Use dated September 8, 2003
7. Report from the Administrative Coordinating Group dated September 5, 2003
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

C.H. Carter
Jim Holland

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No one appeared in support of the application, however, Mr. Carter and Mr. Holland were registered for information. At the request of the Committee, the Planner, David Marsh, gave an overview of the administrative report. He noted that the proposed rezoning would be a natural extension of the existing commercial parcel to the south with low intensity neighbourhood commercial retail. After hearing the Planner's presentation, Mr. Carter and Mr. Holland advised Committee they had no concerns with the proposed rezoning.

Exhibit “6” referred to in File DAZ 230/2003

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 230/03 September 8th, 2003
Our c/f CP 300 (.337)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
North of Northwest Corner of Leila Avenue and Pipeline Road
Lord Selkirk – West Kildonan Community Committee
File No. DAZ 230/03

An application has been received from Pre-Con Builders, on behalf of Brian Neil Friesen Dental Corporation, to amend By-Law No. 6400/94 by rezoning the land shown below from an “A5” Agriculture District to a “C2” Commercial District to allow for commercial development.

RELATED FILES: Zoning By-Law No. 1833 of 1977



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The site is currently vacant and zoned A5 Agriculture. The site is approximately 13,000 square feet (0.29 acres) in size.

Surrounding Land Use and Zoning:

North: Multi-Family Residential (RM-3), then Detached Residential (R1-5)
South: Commercial (C2), then Leila Avenue, Detached Residential (R1-4)
East: Pipeline Road, then vacant land (R1-20)
West: Detached Residential (R-2 & R1-4) and Multi-Family Residential (RM-3)

DEVELOPMENT DESCRIPTION:

The applicant, Pre-Con Builders on behalf of Brian Neil Friesen Dental Corporation, proposes to rezone the site to C2 Commercial to permit commercial development on the site. The proposed site is an extension of the existing commercial parcel to the south, zoned C2, and is bounded on the north and west by the existing multi-family parcel, zoned RM-3. The commercial parcel located immediately adjacent to the south is bound by a zoning agreement (By-Law No. 1883/77), which restricts the uses permitted on-site.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for compatible mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections or concerns with the application. The proposed rezoning is a natural extension of the existing commercial parcel to the south, and rezones a ‘remnant’ A5 Agricultural parcel that is no longer viable nor compatible for agricultural uses. In addition, the site is bounded on the west and north by multi-family residential, and is not immediately adjacent to the existing detached residential homes further to the north and west.

The Planning & Land Use Division believes the imposition of a zoning agreement similar to the existing one onto what can be seen as a ‘natural’ extension of the commercial parcel to the south may be appropriate in this case. Moreover, the imposition of a similar zoning agreement onto the subject site will permit a consistent set of permitted land uses throughout the commercial site. The Public Works Department have requested conditions of approval as part of a servicing agreement for street and drainage improvements, which are consistent with that requested of other proposals in the Amber Trails development.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ /03, attached hereto and dated, September 8th, 2003, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following as permitted uses:

1.Appliance stores
2. Art or antique shop
3. Bakeries
4. Banks
5. Barber shops
6. Beauty parlors and salons
7. Bicycle sales or repair shops
8. Book stores
9. Dressmaking shops, custom
10. Drug stores
11. Dry cleaning receiving station (no processing on premises)
12. Dry good and fabric stores
13. Eating and drinking stores
14. Florist shops
15. Food stores
16. Furniture shops
17. Gift shops
18. Hardware shops
19. Hat repair shop and store
20. Jewelry shops
21. Music stores
22. News stores
23. Novelty shops
24. Offices, business and professional
25. Pet shops
26. Photographer
27. Camera and photographic supply store
28. Record stores
29. Shoe stores and repair shops
30. Sporting goods stores
31. Stationary stores
32. Tailor shops, custom
33. Tobacco shops
34. Toy stores

35. Travel bureaus
36. Accessory uses when located on the same lot, loading space, and parking

II. That the developer shall enter into a Servicing Agreement with the City of Winnipeg for development of this property in accordance with the Administrative Coordinating Group's report dated September 5, 2003.

III. 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 the market value of the land.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

VII. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VIII. 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh , AICP,
Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DAZ 230/03**

Atlas Sheet No. **S23**

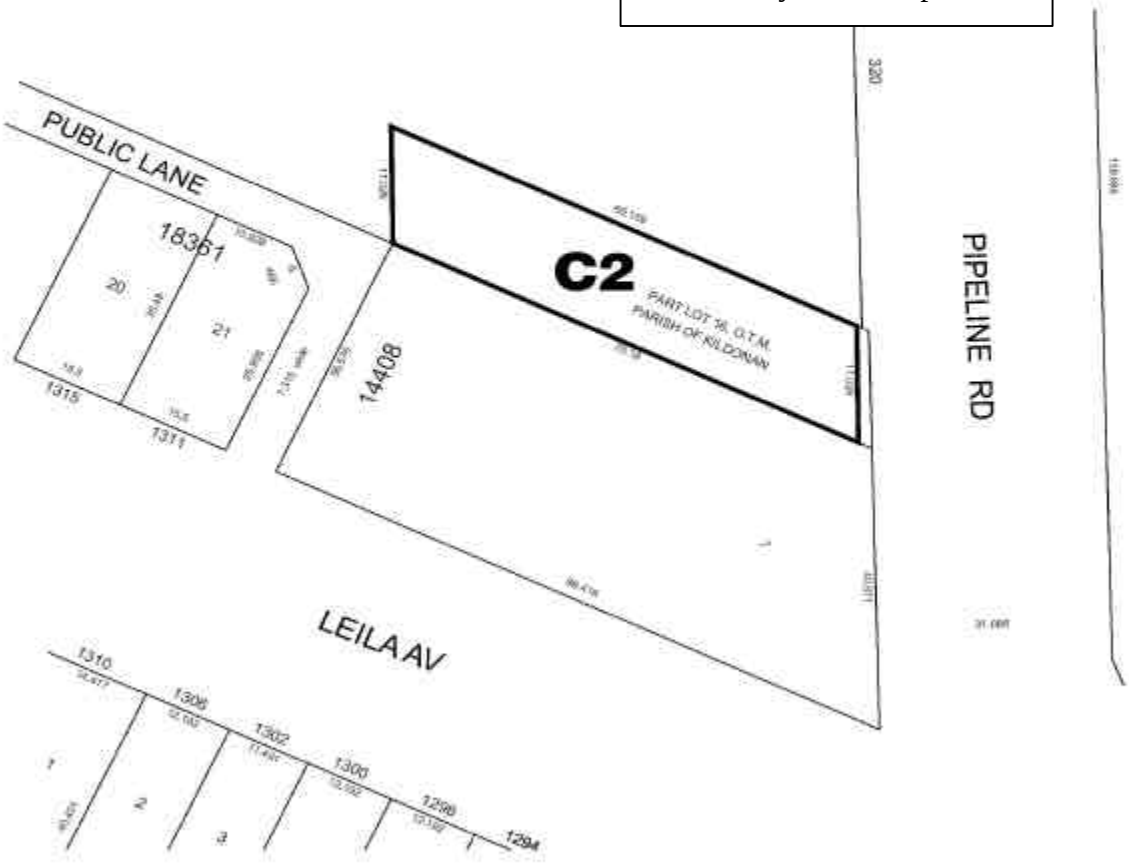
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to by-law No. 6400/94 by rezoning the land located at the northwest corner of Leila Avenue and Pipeline Road from an "A.5" AGRICULTURAL to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 230/03, LS/WK Community, dated Sept 8/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “7” referred to in File DAZ 230/2003

Re: Proposed rezoning of land located on the west side of Pipeline Road, north of Leila Avenue - DAZ 230/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK - WEST KILDONAN COMMUNITY COMMITTEE

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

September 5, 2003

Re: Proposed rezoning of land located on the west side of Pipeline Road, north of Leila Avenue - DAZ 230/03

An application has been submitted by Brian Neil Friesen Dental Corporation to rezone land located on the west side of Pipeline Road, north of Leila Avenue. It is recommended that approval of DAZ 230/03 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of the following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail as determined by the Director of Public Works:

    i) an 8.3m in width by 200mm in thickness portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail,
    ii) channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trails from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersections, of Ashville Street and Mandalay Drive with Leila Avenue and the intersections of the two east-west streets entering Amber Trails from Pipeline Road,
    iii) channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping,
    iv) traffic control signals at the intersection of Leila Avenue and Pipeline Road,
    v) ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

    The 2003 rate is $7,547.00/acre.

2. a) The Developer shall pay its share of the cost of the regional land drainage system. The 2003 rate is $7,968.00/acre.

    b) The Developer shall pay the Leila Trunk User Charge. The 2003 rate is $612.00/acre.

    c) The Developer shall pay its share of the cost of the oversized wastewater sewer in Pipeline Road. The 2003 rate is $429.00/acre.

d) The Developer shall pay its share of the cost of the watermain, wastewater sewer and land drainage sewer (lateral benefit) in Pipeline Road. The 2003 rates are $36.00, $38.00 and $18.00 respectively.

3. The Developer shall pay $545.00 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. 230/03
September 5, 2003

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

"Original signed by F.C. Mazur"
Water and Waste Department

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