Minute No. 672
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 4 Subdivision and Rezoning - 50 Omand's Creek Boulevard
File DASZ 19/2003 [c/r DAOC 2/2003]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 19/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2003 dated August 25, 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 19/2003 dated August 25, 2003, to a "M2" Industrial District.

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.

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 Council extends that time.

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 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.

8. 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.

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

COUNCIL DECISION (continued)

9. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 Assiniboia Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2003, the Assiniboia Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 50 Omand's Creek Boulevard**
File DASZ 19 2003 [c/r DAOC 2/2003]

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

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **September 11, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia 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 19/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2003 dated August 25, 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 19/2003 dated August 25, 2003, to a "M2" Industrial District.

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.

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 Council extends that time.

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 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.

8. 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.

9. 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:

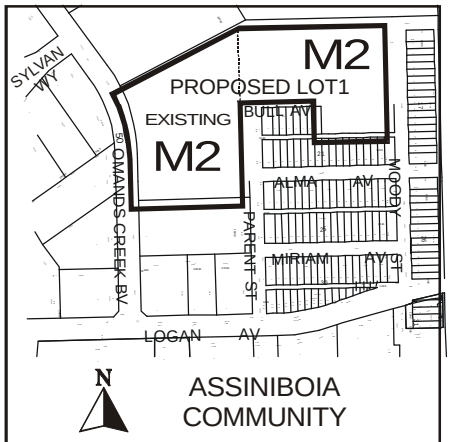
1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated August 25, 2003.

PUBLIC HEARING SUMMARY

File: DASZ 19/2003 [c/r DAOC 2/2003]

Applicant: Fillmore Riley (Kerri Tymchuk)
1700 - 360 Main Street
Winnipeg, MB
R3C 3Z3

Subject:



APPLICANT : FILLMORE RILEY
FILE : DASZ 19/03
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 "A.5" AGRICULTURAL DISTRICT to an "M2" INDUSTRIAL DISTRICT to allow for the establishment of an accessory storage compound for an existing terminal hauling facility. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 50 Omand's Creek Boulevard

Exhibits Filed:

1. Application dated June 19, 2003
2. Notification of Public Hearing to Applicant dated August 26, 2003
3. Manitoba Status of Titles 1169915, 1343951 and 1383128
4. Surveyors Certificate and Sketch dated April 30 and June 10, 2003
5. Letters of authorization dated June 2, 5 and 18, 2003
6. Misc. Plan No. 9367/7
7. Extract of Atlas Sheet No. V19
8. Report from the Manager of Planning and Land Use dated August 25, 2003
9. Photographs of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Kerri Tymchuk, Fillmore Riley

In Opposition:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Kerri Tymchuk, Fillmore Riley, appeared in support of the application.

Exhibit "8" referred to in File DASZ 19 2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 19/03 August 25, 2003
Our c/f CP 500 (.225)

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 east side of Omand's Creek Boulevard north of Logan
Assiniboia Community
File No. DASZ 19/03

An application has been received from Fillmore Riley (Kerri Tymchuk) 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 "A.5" Agricultural District to a "M2" Industrial District to allow for the establishment of an accessory storage compound for an existing "terminal haulage" facility.

RELATED FILES: N.A.



SITE DESCRIPTION:

Existing Land Use and Zoning: Vacant land zoned "A" Agricultural District.

Surrounding Land Use and Zoning:

The site is bounded on the north by a stormwater retention pond zoned "PR-1" Parks and Recreation District, and on the east, south and west by industrial land zoned "M2" Industrial District.

DEVELOPMENT DESCRIPTION:

The applicant represents the property owner of 50 Omands Creek Boulevard, Marcoux Brothers. The Marcoux Brothers have purchased the subject lands from the City of Winnipeg, which border the east limit of 50 Omands Creek. The lands include street rights-of-way and blocks that were part of an obsolete plan of subdivision. The proposal involves closing the streets and consolidating the lands with 50 Omands Creek. The Marcoux Brothers are a Saskatoon trucking company, part of the Yanke Group of Companies that operate from 50 Omands Creek. The operation at 50 Omands Creek involves a trucking terminal with an office building and maintenance shop and truck wash. The terminal has been in place for about 15 years and employs between 25 and 35 in the operations and maintenance end, and about 100 drivers. The subject application would enable the expansion of the trailer and container storage compound. The area will be cleared of brush, gravelled, and fenced with chain link. The terminal is not open to the general public for shipping and receiving.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The ACG is prepared to support the application as long as sufficient land for a turn-around for Bull Avenue is deeded to the City. None of the streets in the area area improved, but the blocks are in private ownership and could be developed if the streets are installed. The Marcoux Brothers have not ruled out acquiring additional lands in future, possibly the remaining lands on the south side of Bull Avenue.

The Branch is prepared to support this application on the following grounds:

- It is in the City's interests to accommodate, where appropriate, the expansion of trucking terminals so as to avoid their possible relocation outside city limits.
- The subject site is surrounded by industrial lands and does not immediately border an existing, improved street like Logan to the south or Omands Creek Boulevard to the west.

- The subject site is in an industrial area and the expansion of the trucking terminal storage yard will not have a detrimental impact on the surrounding properties from a land use perspective.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 19/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 19/03, attached hereto and dated August 25, 2003, 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 19/03, attached hereto and dated August 25, 2003, to a "M2" Industrial District.

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.

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 Council extends that time.

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

VII. 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.

VIII. 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.

IX. 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
Manager of Planning and Land Use

_____

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

/jc

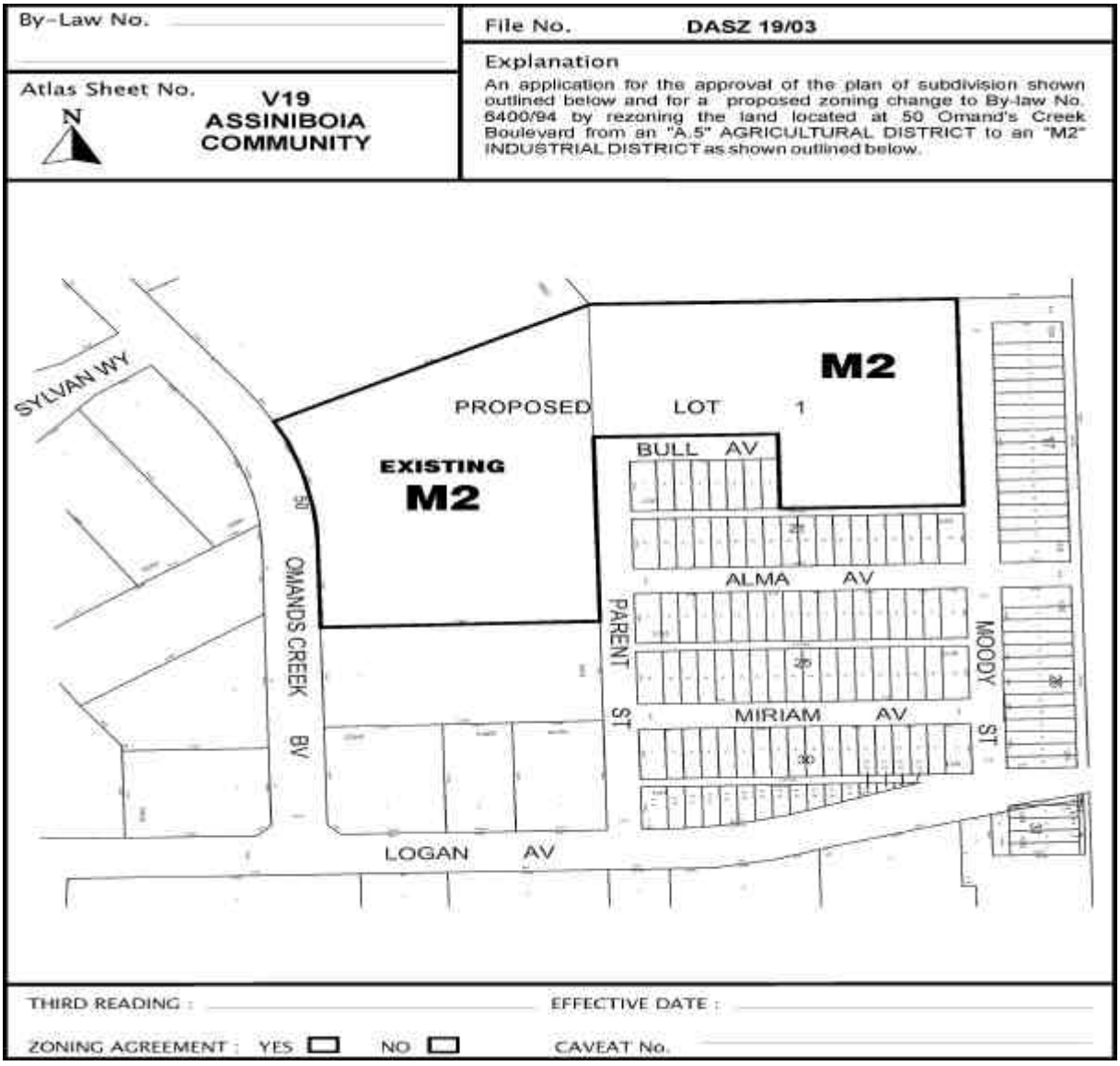


Figure 1: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 19/03, dated August 25, 2003.