Agenda - Council - December 17, 2003

Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 8 Subdivision and Rezoning - 2419/2425 Ferrier Street
File DASZ 28/2003

STANDING COMMITTEE RECOMMENDATION:

On December 10, 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 28/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2003 dated November 4, 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 28/2003 dated November 4, 2003, to an "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 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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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.

Report - Standing Policy Committee on Property and Development - December 2, 2003

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 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.

11. 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.

Report - Standing Policy Committee on Property and Development - December 2, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 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 December 2, 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 the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 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: **Subdivision and Rezoning- - 2419/2425 Ferrier Street**
File DASZ 28/2003 [c/r DAV 325886/2003D]

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

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

Report date: **November 19, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2003, 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 plan of subdivision proposed under File DASZ 28/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2003, attached hereto and dated November 4, 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 28/2003, attached hereto and dated November 4, 2003, to an "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 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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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.

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 24 months after adoption of the by-law, 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.

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 from the Manager of Planning and Land Use dated November 4, 2003.

PUBLIC HEARING SUMMARY

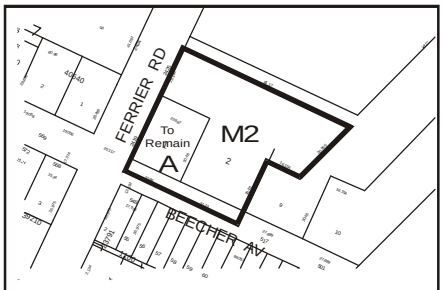
File: DASZ 28/2003 [c/r DAV 325886/2003D]

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

Public Hearing: November 13, 2003
West Committee Room,
Second Floor, Council Building
510 Main Street

Applicant: Nouvelle Construction Limited (Lee Gomes)

Subject:



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LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : NOUVELLE CONSTRUCTION LTD.

FILE : DASZ 28/03

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" AGRICULTURAL DISTRICT to an "M2" INDUSTRIAL DISTRICT to allow for the maintenance of a contractor's establishment. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 2419/2425 Ferrier Street

Exhibits Filed:

1. Application dated September 24, 2003
2. Notification of Public Hearing to Applicant dated October 24, 2003
3. Manitoba Status of Title 1550844
4. Extract of Atlas Sheet T26
5. Plans of proposed subdivision comprising two (2) pages
6. Report from the Manager of Planning and Land Use dated November 4, 2003
7. Inspection Report

REPRESENTATIONS:

In Support:

Aurelio Gomes, on behalf of the applicant

In Opposition:

Nil

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Aurelio Gomes, on behalf of the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated November 4, 2003.

Exhibit “6” referred to in File DASZ 28/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 28/03 (c/r DAV 03-325886D) November 4th, 2003
Our c/f CP 300 (.324)

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

Dear Ms. Timmins:

SUBDIVISION AND REZONING
2419 & 2425 Ferrier Street
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 28/03

An application has been received from Nouvelle Construction for approval of a plan of subdivision, and related zoning change to Zoning By-Law No. 6400/94 by rezoning a portion of the subject lands from an “A” Agricultural District to a “M2” Industrial District to facilitate industrial development.

RELATED FILES: DAV 03-325886D



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The southern portion of the site is zoned "A" Agricultural and is partially occupied by a recently constructed detached residential building. The northern portion of the site is zoned "M2" Industrial, and is occupied by Nouvelle Construction. The total area of the site is approximately 42,300 square feet (0.97 acres).

Surrounding Land Use and Zoning:

North: Industrial development (M2)
South: Beecher Ave, then vacant land and detached residential (A)
East: Detached residential (A), then railroad right-of-way, then detached residential (R1-5)
West: Ferrier St, then detached residential (R1-20), and vacant land and industrial development (RR-2)

DEVELOPMENT DESCRIPTION:

The applicant, Nouvell Construction, is proposing to subdivide the property into the proposed Lots 1 & 2, and rezone the portion of Lot 2 immediately to the east of Lot 1 from "A" Agricultural to "M2" Industrial to permit future industrial development. The proposed Lot 1 is the location of a recently constructed detached residential building, and the portion on proposed Lot 2 immediately to the east is currently vacant land. The applicant has also applied for variances from the "A" Agricultural development standards in terms of lot width, lot size, and rear setback (see related file DAV 03-325886D).

PLAN WINNIPEG:

The subject property falls within a designated Industrial Policy Area under Plan Winnipeg, which allows for industrial uses and the possible inclusion of compatible commercial uses; thus, the proposed rezoning from "A" Agricultural to "M2" Industrial is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division is not opposed to the proposed rezoning and subdivision. The proposed rezoning and subdivision is in general compatible with the surrounding properties, and is consistent with the Industrial Policy Area designation under Plan Winnipeg. The existing "A" Agricultural zoning designation on the southern portion of the subject property can be viewed as 'remnant' zoning from the area's agricultural past, and is no longer consistent with the industrial development immediately adjacent. Moreover, the existing detached residential building on proposed Lot 1 cannot be rezoned to a R1-4 or R1-5 Residential zoning district, as this would not be consistent with the Industrial Policy Area designation under Plan Winnipeg. Conversely, retention of the "A" Agriculture zoning district on the southern portion of the site outside of the proposed Lot 1 would only invite further construction of residential buildings, which is not desirable or compatible with adjacent industrial properties, nor with Plan Winnipeg.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 28/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/03, attached hereto and dated November 4th, 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 28/03, attached hereto and dated November 4th, 2003, to an "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 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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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.

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 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.

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. **DASZ 28/03**

Atlas Sheet No. **T26**

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LORD SELKIRK
WEST KILDONAN
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. 6400/94 by rezoning the land located 2425 Ferrier Street from an "A" AGRICULTURAL DISTRICT to an "M2" INDUSTRIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 28/03, LS/WK Community, dated Nov 4/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____