Agenda - Council - April 21, 2004

Report - Standing Policy Committee on Property and Development - April 8, 2004

Item No. 1 Zoning Agreement Amendment - east side of Brookside Boulevard north of Logan Avenue
File ZAA 1/2004 [c/r DAZ 232/84]

STANDING COMMITTEE RECOMMENDATION:

On April 14, 2004, 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 Zoning Agreement DAZ 232/84 (By-law No. 3934/85), dated January 23, 1985, be amended by adding to Clause 2 the following land uses*:*

   A. Clay/gravel/sand/stone: processing; distribution; soils dealer, subject to Conditional Use
   B. Radio or Television Tower subject to Conditional Use and federal approval as required
   C. Storage Compound subject to Conditional Use where necessary.

2 That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 232/84 (By-law No. 3934/85) dated January 23, 1985, as approved in Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 - April 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENATION:

On April 14, 2004, 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 April 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 9, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - east side of Brookside Boulevard, north of Logan Avenue**
File ZAA 1/2004 [DAZ 232/84]

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

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

Report date: **March 11, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 9, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DAZ 232/84 (By-law No. 3934/85), dated January 23, 1985, be amended by adding to Clause 2 the following land uses*:*

   A. Clay/gravel/sand/stone: processing; distribution; soils dealer, subject to Conditional Use
   B. Radio or Television Tower subject to Conditional Use and federal approval as required.
   C. Storage Compound subject to Conditional Use where necessary.

2 That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 232/84 (By-law No. 3934/85), dated January 23, 1985, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated February 19, 2004.

PUBLIC HEARING SUMMARY

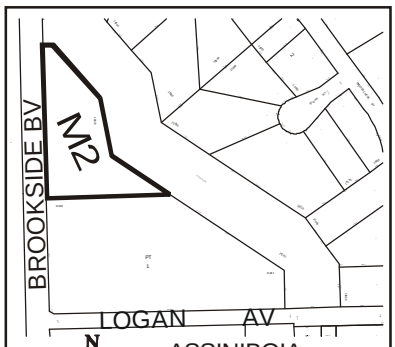
File: ZAA 1/2004 [DAZ 232/84]

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

Public Hearing: March 9, 2004
Council Building, 510 Main Street

Applicant: SDM Consulting Ltd. (Sharon Martinenko)

Subject:



APPLICANT : SDM CONSULTING LTD.
FILE : ZAA 1/04
PROPOSAL : An application to withdraw the Zoning Agreement affecting the land shown outlined above which presently restricts the land to a contractor's equipment storage yard with the requirement for the erection of a chain link fence on the north/northeast boundary of the land. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: east side of Brookside Boulevard, north of Logan Avenue

Exhibits Filed:

1. Application dated January 20, 2004
2. Notification of Public Hearing dated January 22, 2004
3. Manitoba Status of Title 1968443
4. Letter of authorization dated January 15, 2004 from Russell Paterson, 3153649 Manitoba Ltd. to SDM Consulting Ltd.
5. Zoning Agreement DAZ 232/84

6. Site Plan
7. Report from the Manager of Planning and Land Use dated February 19, 2004
8. Presentation submitted by applicant on March 9, 2004
9. Inspection Report

REPRESENTATIONS:

In Support:

Sharon Martinenko, SDM Consulting Ltd.

In Opposition:

Nil

For the City:

Marsha Christiuk, Planner, Planning, Property and Development Department
Jacqueline East, Coordinator, Urban and Neighbourhood Planning, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Sharon Martinenko, SDM Consulting Ltd., appeared in support of the application, gave a brief overview of the proposal and submitted a written presentation, filed as Exhibit 8.

Councillor Eadie inquired as to the applicant's intentions for the use of the property.

Ms Martinenko stated that it was for storage.

Councillor Eadie stated concerns with not knowing what the future development plans for the property were and any possible servicing requirements.

The Coordinator of Urban and Neighbourhood Planning stated that future development would require a Zoning Agreement Amendment at which time a servicing agreement would be included.

Exhibit “7” referred to in File ZAA 1/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. ZAA 1/4
Our c/f CP 500 (.225)

February 19, 2004

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

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
East side of Brookside Boulevard, north of Logan Avenue
Assiniboia Community

File No. ZAA 1/04

An application has been received from SDM Consulting Ltd., to withdraw the Zoning Agreement affecting the land shown outlined below. The Zoning Agreement which presently restricts the land use to a contactor’s equipment storage yard with the requirement for the erection of a chain link fence on the north/northeast boundary of the land.



SITE DESCRIPTION:

Dimensions: 660.61 feet of frontage on Brookside Boulevard

Site Area: 4.1 acres.

Existing Land Use and Zoning: vacant land zoned "M2" (contractor's equipment storage yard).

DEVELOPMENT DESCRIPTION:

The land was rezoned under DAZ 232/84. At the time, the administration opposed the rezoning on the grounds that it was contrary to Plan Winnipeg to rezone unserviced agricultural land in an Industrial Policy Area. The application was subsequently approved with the subject zoning agreement limiting the use of the land to a contractor's equipment storage yard.

ADMINISTRATIVE COMMENTS:

The administration is of the opinion that the withdrawal of the Zoning Agreement is premature unless and until sewer, water and land drainage services are extended to the site. However, the administration would support the use of the land for a slightly wider range of uses that would not involve buildings or employees being stationed on-site on a daily basis. The administration is of the opinion that a fence along Omand's Creek is appropriate to prevent encroachment into the waterway lands.

RECOMMENDATION:

I. That Zoning Agreement DAZ 232/84 (By-Law #3934/85), dated January 23, 1985, be amended as follows by adding to Clause 2 the following land uses.

- Clay/gravel/sand/stone: processing; distribution; soils dealer, subject to Conditional Use
- Radio or Television Tower (subject to Conditional Use and federal approval as required.
- Storage Compound subject to Conditional Use where necessary.

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 232/84 (By-Law #3934/85), dated January 23, 1985, as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor 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: Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017

/jc



Figure 1: Air Photo of Subject Site