Agenda - Council - May 19, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 13 Rezoning - 385 Softley Road
File DAZ 211/2004

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee 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 211/2004 dated March 15, 2004, to an "M3" Industrial 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:

        i. That the use of the site be restricted to the following:

            a. asphalt storage tanks and associated offices and other accessory uses as listed under the "M3" Industrial District zoning category under The Winnipeg Zoning By-law No. 6400/94 and currently on site; and

            b. all uses listed under the "M2" Industrial District zoning category under The Winnipeg Zoning By-law No. 6400/94.

        ii. That a landscaping plan (specifically for the south and west frontages of the site) be submitted to and approved by the City by May 30, 2004. It is further recommended that the aforementioned landscaping, once approved, be established and in place by September 30, 2004 and satisfactorily maintained thereafter.

2. That a ten (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.

Report - Standing Policy Committee on Property and Development - April 27, 2004

3. 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.

4. 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.

Report - Standing Policy Committee on Property and Development - April 27, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Rezoning - 385 Softley Road
File DAZ 211/2004 2004 [c/r DAV 337649/2003D]

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

Prepared by: Marc Pittet, Clerk, Riel Community Committee

Report date: April 21, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Riel 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 211/2004 dated March 15, 2004, to an "M3" Industrial 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:

        ii. That the use of the site be restricted to the following:

            a. asphalt storage tanks and associated offices and other accessory uses as listed under the "M3" Industrial District zoning category under The Winnipeg Zoning By-law No. 6400/94 and currently on site; and

            b. all uses listed under the "M2" Industrial District zoning category under The Winnipeg Zoning By-law No. 6400/94.

        ii. That a landscaping plan (specifically for the south and west frontages of the site) be submitted to and approved by the City by May 30, 2004. It is further recommended that the aforementioned landscaping, once approved, be established and in place by Sept 30, 2004 and satisfactorily maintained thereafter.

2. That a ten (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.

3. 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.

4. 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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 15, 2004.

PUBLIC HEARING SUMMARY

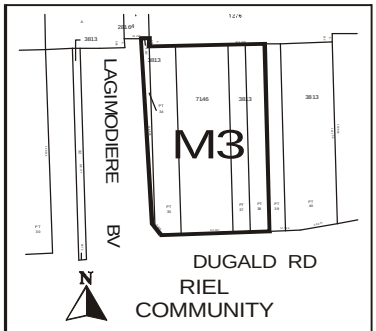
File: DAZ 211/2004 2004 [c/r DAV 337649/2003D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Angus
Councillor Steeves

Public Hearing: April 20, 2004
Community Committee Chamber, 219 Provencher Boulevard
March 22, 2004
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: McAsphalt Industries Limited (Paul Barry)

Subject:



APPLICANT: McASPHALT INDUSTRIES LIMITED
FILE: DAZ 211/04
PROPOSAL: To rezone the land shown outlined above from an "M2" INDUSTRIAL DISTRICT to an "M3" INDUSTRIAL DISTRICT to allow for the maintenance of an asphalt/tar plant. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : McASPHALT INDUSTRIES LIMITED
N° DE DOSSIER : DAZ 211/04
PROJET : Rezonage des biens-fonds délinées ci-dessus de sorte qu'ils passent de la catégorie M2 (SECTEUR INDUSTRIEL) à la catégorie M3 (SECTEUR INDUSTRIEL) de manière à permettre le maintien d'une usine d'asphalte/de goudron. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 385 Softley Road

Exhibits Filed:

1. Application dated February 24, 2004
2. Notification of Public Hearing dated February 26, 2004
3. Manitoba Status of Title 1585104, 1585105, 1585106, 1585107 and 1585109
4. Surveyor's Building Location Certificate and sketch dated April 23, 2001
5. Plans (2 pages)
6. Report from the Manager of Planning and Land Use dated March 15, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Paul Barry

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

April 20, 2004
The applicant, Paul Barry, appeared in support of the application.

March 22, 2004
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit “6” referred to in File DAZ 211/2004

Winnipeg

Planning, Property & Development Department · Service de l'urbanisme, des biens et de l'aménagement

Planning and Land Use Division • Division de l'urbanisme et de l'usage des sols

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-7524

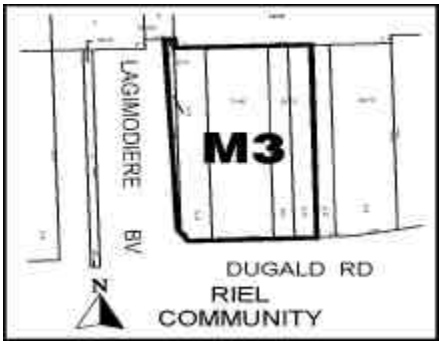
File No. DAZ 211 /04 March 15, 2004
Our c/f CP 500 (. 534)

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

Dear : Mr. Pittet

REZONING
Location : 385 Softley Road
Riel Community Committee
File No. DAZ 211 /04

An application has been received from Paul Barry, McAsphalt Industries, to amend By-Law No. 6400/94 by rezoning the land shown below from an “ M2” Industrial District to an “M3” Industrial District to allow for the replacement of an asphalt storage tank.



RELATED FILES:DAV03 337648D
SITE DESCRIPTION:

Site Area:
The total area being rezoned encompasses an area of approximately three (3) acres.

Existing Land Use and Zoning:
A small building and over a dozen circular tanks currently occupy the site. The tanks are used to store asphalt material which is shipped in from outside the City. There is no manufacturing of the product done on site.

Surrounding Land Use and Zoning:

North: To the north are semi -vacant storage areas zoned M2 and owned by Litz and Sons.
South: To the south is a vacant industrial property zoned M2.
East: To the immediate east are vacant lands also owned by McAsphalt Industries. And lying adjacent to the east is an Industrial building zoned M2 and owned by MHR Holdings.
West: To the west of Lagimodiere Blvd. There are existing businesses like Wapo Enterprises zoned M2 Industrial.

DEVELOPMENT DESCRIPTION:

The applicants have to replace one of their medium sized storage tanks on site. Procedurally, because the existing use is a non-conforming use under the current zoning, a rezoning is required. The new restrictive zoning will also provide for ongoing replacement of other components of the facility as required over the coming years.

PLAN WINNIPEG:

The property in question is situated in the middle of an Industrial Policy Area under Plan Winnipeg which allows for the establishment and expansion of industrial uses.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division supports a rezoning of the lands in question to a restricted M3 Industrial category, effectively restricting use of the site to asphalt storage tanks, and accessory offices and other uses. As such, the status quo is maintained and nothing changes on the site. There are good arguments for retaining this facility at its current site, primarily the fact that there is suitable rail and vehicle access to the site. Additionally the property is surrounded by a range of industrial uses(meat packing plants and other manufacturing uses) many of which are M3 uses by definition. However it should be noted that the property lies at the NE corner of a major intersection on a major image route . It is therefore recommended that as a condition of approval of this application, the applicants endeavor to provide some landscaping along the west and south property lines of the land currently occupied by their storage facility. None currently exists at this time.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 211/04, attached hereto and dated March 15, 2004, to an "M3" Industrial 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:

1. That the use of the site be restricted to 1)asphalt storage tanks and associated offices and other accessory uses as listed under the M3 Industrial zoning category under By-Law 6400/94 and currently on site and 2) all uses listed under the M2 Industrial zoning category under By-Law 6400/94.

2. That a landscaping plan (specifically for the south and west frontages of the site)be submitted to and approved by the City by May 30/04. It is further recommended that the aforementioned landscaping, once approved, be established and in place by Sept 30/04 and satisfactorily maintained thereafter.

II. That a 10 per cent 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.

III. 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 .

IV. 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.

V. 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.

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

VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Kevin Lalor
Senior Planner
Riel Community)
986-5069

/jc

6144

By-Law No. _____

File No. **DAZ 211/04**

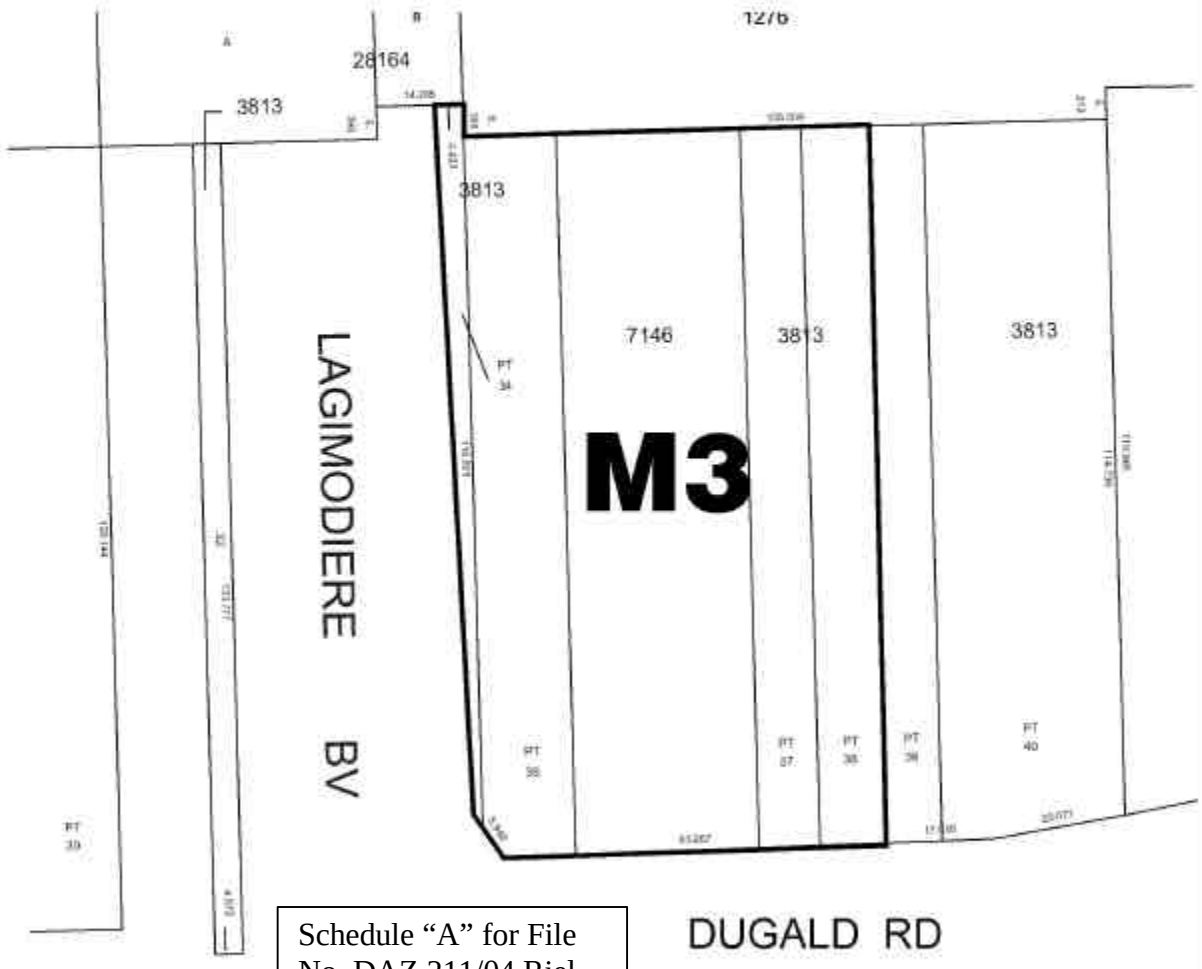
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RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the northeast corner of Lagimodiere Boulevard and Dugald Road from an "M2" INDUSTRIAL DISTRICT to an "M3" INDUSTRIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 211/04,Riel C.C., dated March 15/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____