Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 20 Rezoning - 500 Oak Point Highway
File DAZ 233/2004

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 233/2004 dated June 29, 2004, to a "C3-1" Commercial District.

2. That a ten per cent (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.

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.

5. 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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, 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 July 6, 2004, 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 - 500 Oak Point Highway**
File DAZ 233/2004 [c/r DAV 1316711/2004D]

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

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

Report date: **July 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, 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 No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 233/2004 dated June 29, 2004, to a "C3-1" Commercial District.

2. 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.

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.

5. 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 from the Manager of Planning and Land Use dated June 29, 2004.

PUBLIC HEARING SUMMARY

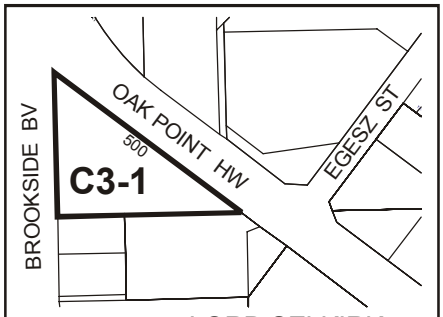
File: DAZ 233 /2004 [c/r DAV 131671/2004D]

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

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Petro Canada (Seamus Brennan)

Subject:



APPLICANT : PETRO-CANADA
FILE : DAZ 233/04
PROPOSAL : To rezone the land shown outlined above from a "C3-2" COMMERCIAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 500 Oak Point Highway

Exhibits Filed:

1. Application dated June 2,2004
2. Notification of Public Hearing dated June 4, 2004
3. Manitoba Status of Title 1188867
4. Site Plans (4 pages)
5. Report from the Manager of Planning and Land Use dated June 29, 2004
6. Inspection Report

REPRESENTATIONS:

In Support:

Seamus Brennan, Petro Canada

In Opposition:

Nil

For Information:

Terry Shaw

For the City:

Mr. C. Torpey, Land Development Engineer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Seamus Brennan, on behalf of Petro Canada, appeared in support of the application and stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated June 29, 2004.

Exhibit "5" referred to File DAZ 233/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 233/04 (c/r DAV 04-131671D) June 29th, 2004
Our c/f CP 300 (.338)

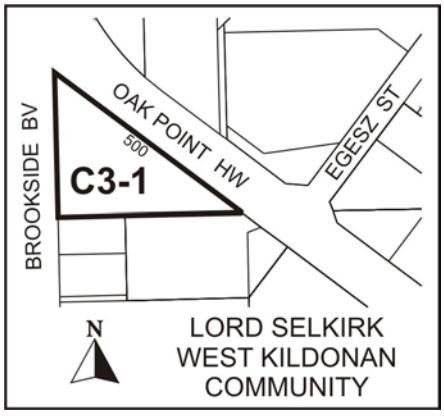
Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
500 Oak Point Highway
Lord Selkirk – West Kildonan Community
File No. DAZ 233/04

An application has been received from Petro Canada, to amend By-Law No. 6400/94 by rezoning the land shown below from a "C3-2" Commercial District to a "C3-1" Commercial District to allow for redevelopment of a fuel sales keylock station.

RELATED FILES: DAV 04-131671D



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The subject property is currently zoned 'C3-2' Commercial, and is occupied by an existing fuel sales keylock station. The property is approximately 4,300 square feet in size.

Surrounding Land Use and Zoning:

North: Oak Point Hwy, then attached & detached commercial and industrial buildings (C3-1 & M1)
South: Detached industrial buildings (M1)
East: Oak Point Hwy, then attached & detached commercial and industrial buildings (C3-1 & M1)
West: Brookside Blvd, then agricultural land (outside city limits)

DEVELOPMENT DESCRIPTION:

Petro Canada is proposing to 'downzone' the land to C3-1 Commercial to permit the redevelopment of a fuels sales keylock station on site, which is not permitted under the current C3-2 Commercial zoning. The applicant proposes to retain the existing fuel sales canopy & associated pumps, while demolishing the existing building and constructing a new building closer to Oak Point Hwy. The redevelopment will also involve modifying the existing ingress and egress points to the site, which will result in a smoother flow of traffic into and out of the site. The applicant has also applied for a use variance to permit the redevelopment to begin in the immediate future (see related file DAV 04-131671D).

PLAN WINNIPEG:

The subject property falls within a designated Industrial Policy Area under Plan Winnipeg, which allows for industrial and compatible commercial development. The proposed commercial development is compatible with, and supportive of, the highway oriented industrial uses in the area; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning, as it will permit redevelopment of the commercial enterprise currently on-site. In addition, the proposed redevelopment will improve conditions on site in terms of vehicle parking, and traffic ingress and egress.

RECOMMENDATION:

I. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 233/04, attached hereto and dated June 29th, 2004, to a "C3-1" Commercial District.

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 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 III
986-5549

By-Law No. _____

File No. **DAZ 233/04**

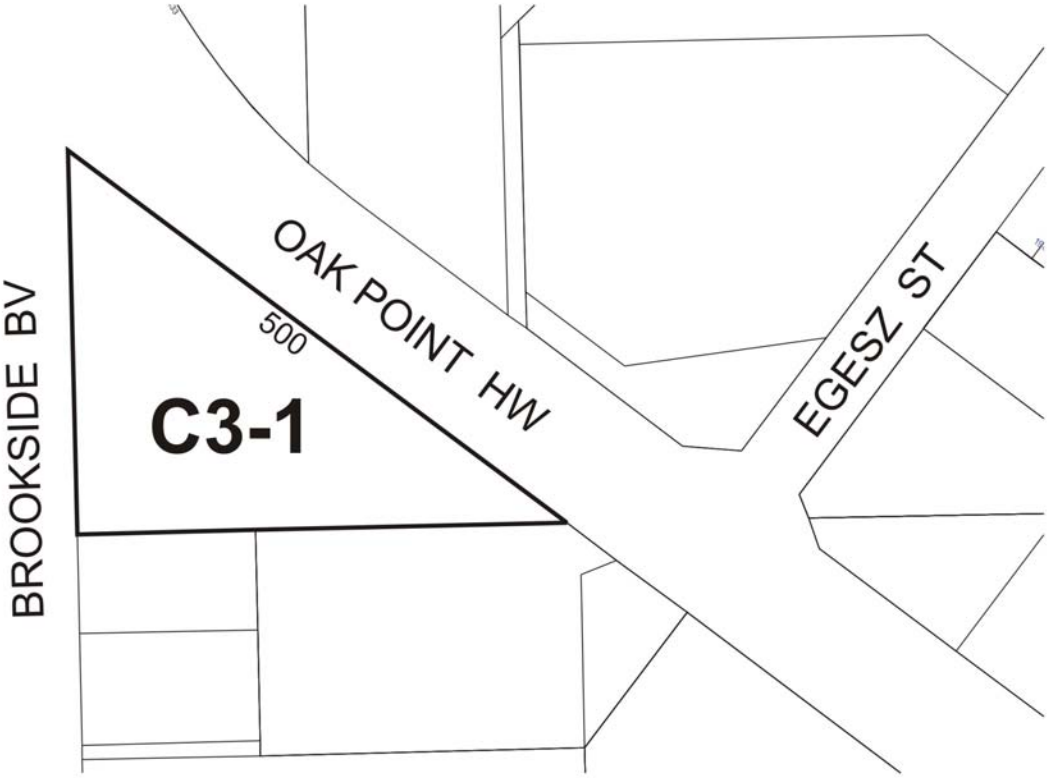
Atlas Sheet No. **U 18**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 500 Oak Point Highway from a "C3-2" COMMERCIAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 233/04, LS/WK Community, dated June 29/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____