Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 16 Subdivision and Rezoning - 350 DeBaets Street
File DASZ 26/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 16/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2004 dated September 14, 2004, 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 16/2004 dated September 14, 2004, to an "M1-B" Industrial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final Schedule "A" plans indicating location of proposed buildings, approaches, parking and details of landscaping, fencing and exterior building materials be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

    B. That a minimum forty (40) foot wide extensively landscaped and suitably fenced front yard area be maintained along the DeBaets Street frontage south of the proposed new approach and that the east property line also either be fenced and/or heavily landscaped.

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 (if applicable).

Report - Standing Policy Committee on Property and Development - October 5, 2004

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 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.

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 and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

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 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.

Report - Standing Policy Committee on Property and Development - October 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 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 September 21, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 350 DeBaets Street**
File DASZ 26/2004 [c/r DAV 316338/2004D]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **September 21, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the Riel 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 16/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2004 dated September 14, 2004, 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 16/2004 dated September 14, 2004, to an "M1-B" Industrial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final Schedule "A" plans indicating location of proposed buildings, approaches, parking and details of landscaping, fencing and exterior building materials be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

    B. That a minimum forty (40) foot wide extensively landscaped and suitably fenced front yard area be maintained along the DeBaets Street frontage south of the proposed new approach and that the east property line also either be fenced and/or heavily landscaped.

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 (if applicable).

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 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 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, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

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 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 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 September 14, 2004.

PUBLIC HEARING SUMMARY

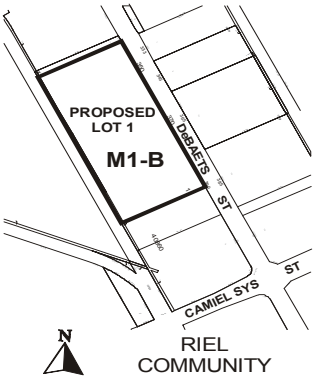
File: DASZ 26/2004 [c/r DAV 316338/2004D]

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

Public Hearing: September 21, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Thomas Design Builders (Bill Thomas)

Subject:



APPLICANT: THOMAS DESIGN BUILDERS
FILE: DASZ 26/04
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 "MP-2" INDUSTRIAL DISTRICT to an "M1-B" LIGHT INDUSTRIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : THOMAS DESIGN BUILDERS
N° DE DOSSIER : DALZ 26/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie MP-2 (SECTEUR INDUSTRIEL) à la catégorie M1-B (SECTEUR AFFECTÉ À L'INDUSTRIE LÉGÈRE). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 350 DeBaets Street

Exhibits Filed:

1. Application dated July 23, 2004
2. Notification of Public Hearing dated July 29, 2004
3. Manitoba Status of Titles 1894281 and 1894287
4. Plans (3 pages)
5. Report from the Manager of Planning and Land Use dated September 14, 2004
6. Inspection Report

REPRESENTATIONS:

In Support:

Rick McGregor
Bill Thomas

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Bill Thomas, appeared in support of the application and gave a brief overview of the proposal.

Mr. Thomas questioned the requirement for a fence along the south property line. Councillor Angus stated that this would be discussed during the plan approval process.

Exhibit "6" referred to in File DASZ 26/2004 [c/r DAV 316338/2004D]

In reply please refer to / Référence à rappeler :

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

File No. DASZ 26 /04
Our c/f CP 500 (.537)

September 14, 2004

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

Dear Mr. Pittet :

SUBDIVISION AND REZONING
Land located : 350 Debaets
Riel Community
File No. DASZ 26 /04

An application has been received from Bill Thomas, Thomas Design Builders, 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 "MP-2" Industrial District to an " M1-B" Industrial District to allow for a warehouse and outdoor storage facility for lumber products.

RELATED FILES: DAV04 316338D

SITE DESCRIPTION:

Site Area:

The overall site area of the consolidated parcels totals approximately 7 acres.

Existing Land Use and Zoning:

The subjects are currently vacant and zoned MP-2 Industrial.

Surrounding Land Use and Zoning:

North: MP-2 lands to the immediate north are vacant and owned by the City of Winnipeg.
South: MP-2 lands to the immediate south are vacant and owned by a numbered company.
East: There are two industrial buildings on the MP-2 land east of DeBaets, one owned by Northern Warehousing, the other owned by the Winnipeg Regional Health Authority.
West: To the west is a CN Industrial Railway spur and a retention lake.

DEVELOPMENT DESCRIPTION:

The proposed occupant of the premises, Canwell Distributors, has made an offer to the City of Winnipeg to purchase and consolidate three parcels of vacant industrial land west of DeBaets St. They then propose to construct a 60,000 sq. ft. one storey storage warehouse for lumber products on the north half of the site. There will also be an outdoor storage area for some products in the southwest section of the property. There will be vehicle access to DeBaets St. and a new railway spur line will be constructed to connect to the existing railway line. There is provision for a possible future 15,000 sq. ft. building addition on the west side of the proposed building structure. The new tenants are also willing (as a condition of approval) to establish and maintain a high level of landscaping and fencing along DeBaets to help buffer the storage areas from adjoining properties and existing businesses.

PLAN WINNIPEG:

The proposed business is an industrial operation in a designated Industrial Policy Area under Plan Winnipeg. The proposal is therefore in full compliance with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

As outlined earlier, the new tenants are proposing to construct a wholesale building materials distribution facility and accessory storage yard. In order to meet the future land requirements of Canwell Distributors, two adjoining City owned lots are also being purchased and consolidated for a total of seven (7) overall acres. There have been several discussions in recent months with the applicants and representatives of Canwell Distributors in order assist them in locating a large

site which has access to railway facilities, good road connections and also is or can be zoned to an appropriate industrial zoning category. The subject property meets all the aforementioned criteria (one of the few locations in the City that does) subject to obtaining a rezoning to an M1-B Industrial category. The proposed use is not permitted under the existing zoning but is an allowable use under the M1-B zoning , a zoning category which has a wider range of allowable uses while still requiring a high on site development standard .

The Planning Division supports the proposed rezoning, with the understanding that the new tenants will provide and maintain a high level of landscaping and fencing . The high level of landscaping coupled with fencing is intended to shield or buffer the outside storage areas (to the extent possible) from adjoining properties to the east. When the final Schedule "A" site plans are submitted for review and approval, it is expected that they will reflect a) extensive landscaping (a mix of conifers and deciduous trees) along the De Baets St. frontage b) a masonry or ornamental metal clad fence along the De Baets frontage south of the proposed new approach and c) and either extensive landscaping or a solid wood fence along the south property line of the site.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 16/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 26, attached hereto and dated September 14/04, 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 16/04, attached hereto and dated September 14/04, to an "M1-B" Industrial District , subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That final Schedule "A" plans indicating location of proposed buildings, approaches, parking and details of landscaping , fencing, and exterior building materials be submitted to and approved by the Director of Planning , Property and Development and the Riel Community Committee prior to the issuance of any building permits.

   B. That a minimum 40' wide extensively landscaped and suitably fenced front yard area be maintained along the DeBaets frontage south of the proposed new approach and that the east property line also either be fenced and /or heavily landscaped.

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 . (if applicable).

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 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 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, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **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.**

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 Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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

/jc

By-Law No. _____

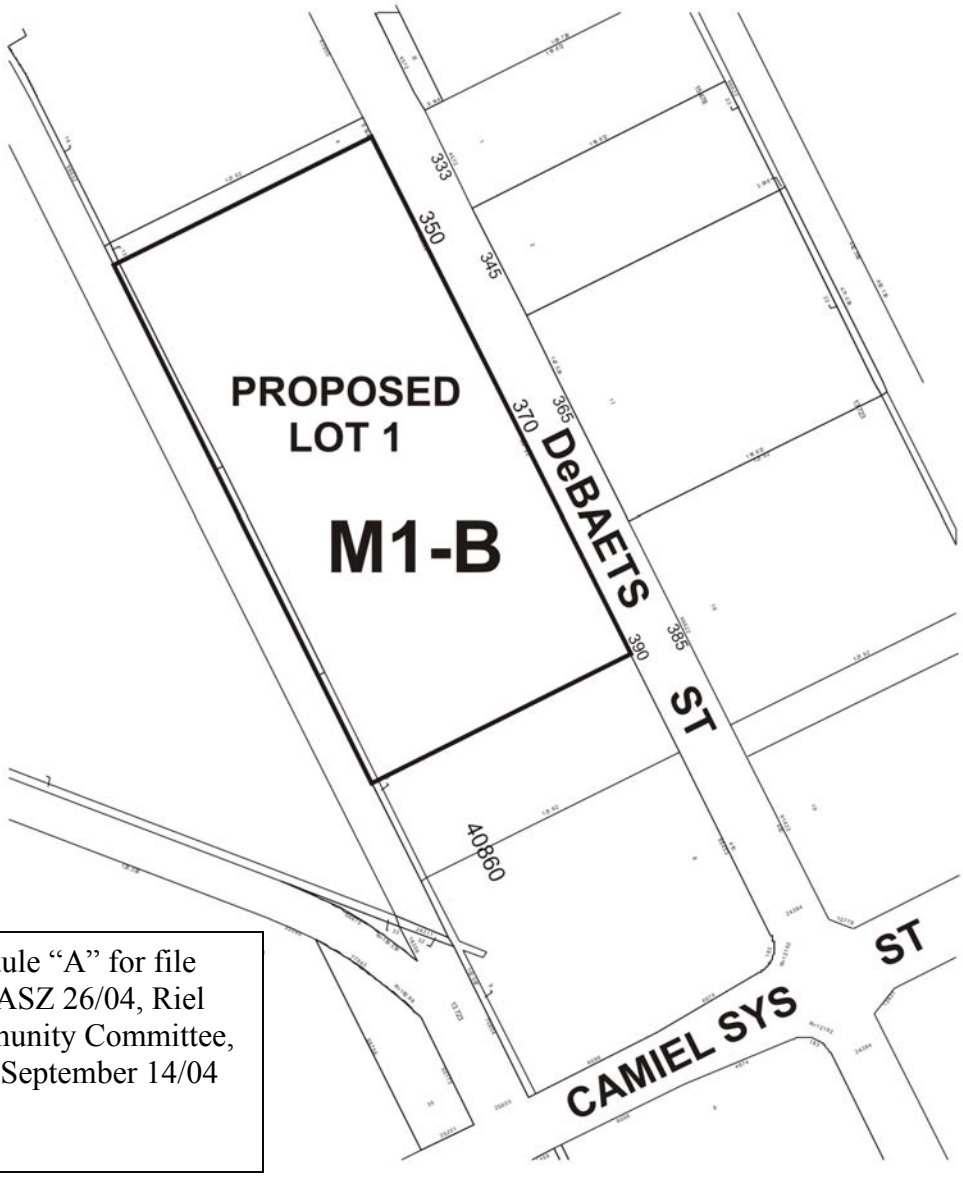
Atlas Sheet No.

AB32
RIEL
COMMUNITY

File No. **DASZ 26/04**

Explanation

An application for the approval of the plan of subdivision shown outlined and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 350 DeBaets Street from an "MP-2" INDUSTRIAL DISTRICT to an "M1-B" LIGHT INDUSTRIAL DISTRICT as shown outlined below.



Schedule "A" for file no. DASZ 26/04, Riel Community Committee, dated September 14/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

5198