Agenda - Council - November 24, 2004

Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 9 Rezoning - 1075 Portage Avenue
File DAZ 255/2004

STANDING COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, 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 255/2004 dated October 12, 2004, to a "C2" Commercial 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 land be limited to the following:

            a. office
            b. dwelling units
            c. accessory uses
            d. non-accessory parking for 1041 and 1091 Portage Avenue

        ii. That prior to the issuance of any future development permits on the land, detailed plans be submitted for the approval of the City Centre Community Committee showing site layout, access, parking, loading, garbage enclosures, fencing, landscaping, site lighting, building elevations and materials and signage.

        iii. That pylon signs, temporary signs and mobile signs be prohibited on the site.

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.

Report - Standing Policy Committee on Property and Development - November 2, 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.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

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

7. 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 - November 2, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee with the following amendments, namely:

- Recommendation 1.A.i.d.
  Delete the words "the Addictions Foundation of Manitoba and the RCMP" and replace with the words "1041 and 1091 Portage Avenue"

- Recommendation 5
  Delete the words "as a first charge" in the second line,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2004, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Recommendation 1.A.d.
  Add the following words at the end "and the RCMP"

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1075 Portage Avenue**
File DAZ 255/2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **October 22, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2004, the City Centre Community Committee concurred in the administrative recommendation, as amended, 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 255/2004 dated October 12, 2004, to a "C2" Commercial 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 land be limited to the following:

            a. office
            b. dwelling units
            c. accessory uses
            d. non-accessory parking for the Addictions Foundation of Manitoba ***and the RCMP***

        ii. That prior to the issuance of any future development permits on the land, detailed plans be submitted for the approval of the City Centre Community Committee showing site layout, access, parking, loading, garbage enclosures, fencing, landscaping, site lighting, building elevations and materials and signage.

        iii. That pylon signs, temporary signs and mobile signs be prohibited on the site.

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 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.

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

7. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated October 12, 2004.

2. There is ample parking.

PUBLIC HEARING SUMMARY

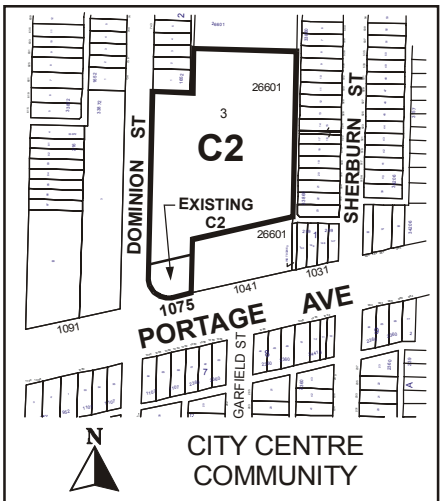
File: DAZ 255/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: October 19, 2004
Council Building, 510 Main Street

Applicant: Land Management Services (Garry Dyck)

Subject:



APPLICANT : LAND MANAGEMENT SERVICES
FILE : DAZ 255/04
PROPOSAL : To rezone the land shown outlined above from an "R2A" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 1075 Portage Avenue

Exhibits Filed:
1. Application dated September 3, 2004
2. Notification of Public Hearing dated September 20, 2004
3. Manitoba Status of Title(s) 1417364
4. Letter of authorization dated August 27, 2004 from Paul Rochon, Assistant Deputy Minister, Administrative

Services, Transportation and Government Services to Land Management Services
5. Extract of Atlas Sheet AA22
6. Plan (1 page)
7. Report from the Manager of Planning and Land Use dated October 12, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Garry Dyck, Land Management Services

In Opposition:

Nil

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Garry Dyck, Land Management Services appeared in support of the application and gave a brief overview on the application. In response to Committee's questions, Mr. Dyck stated that there were more than enough parking spaces.

The Senior Planner advised the Committee that the administrative recommendation had to be amended by adding "and the RCMP" to the list of limited permitted uses for non-accessory parking.

Exhibit "8" referred to in File DAZ 255/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 255/04
Our c/f CP 500 (.115)

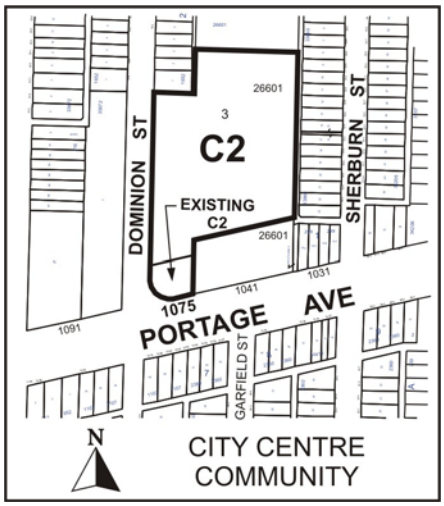
October 12, 2004

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location: 1075 Portage at Dominion northeast corner
City Centre Community Committee
File No. DAZ 255/04

An application has been received from the Land Management Services, Province of Manitoba (Garry Dyck), to amend By-Law No. 6400/94 by rezoning the land shown below from a "R2A" Two-family Airport Area Residential District, to a "C2" Commercial District to bring the zoning in line with the existing land use.



SITE DESCRIPTION:

Site Area: About 3.7 acres

Existing Land Use and Zoning: Department of Transport, Motor Vehicle Branch, 2-storey office building, zoned "R2-A", Two-family Airport Area Residential District. The front part of the site containing green space, to the west of the Addictions Foundation, is already zoned "C2" Commercial District.

Surrounding Land Use and Zoning:

North: Church and RCMP parking lot zoned "R2-A"
South: Addictions Foundation of Manitoba, office building zoned "C2"
East: Single-family residential fronting Sherburn zoned "R2-A"
West: RCMP headquarters zoned "R2-A" and "C2"

DEVELOPMENT DESCRIPTION:

The provincial government is in the process of transferring the Motor Vehicle Branch and the subject property to the Manitoba Public Insurance (MPI) Corporation. The Corporation is requesting that the zoning be brought into compliance with the use.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division has no objections to this rezoning. However, the Branch is recommending that a Zoning Agreement be entered into limiting the use of the land to offices, dwelling units, and accessory uses. This will ensure that, should the site be disposed of in future, any purchaser would have to return to the Community Committee to review their plans for the site should they involve uses other than offices or housing. It is noted that some of the site is currently surplus to the government's requirements, in particular the site provides parking well in excess of the actual requirements under the zoning. Based on the floor area of the building, the site requires about 60 stalls, whereas the site provides parking for 155 cars on the paved portion alone. In addition, a portion of the parking area is gravel, amounting to almost an acre of land. It is conceivable that a portion of the site could accommodate additional government buildings, or could be subdivided for development by another party.

RECOMMENDATION:

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ /04, attached hereto and dated October 12, 2004, to

a “C2” Commercial 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 land be limited to the following:

- office
- dwelling units
- accessory uses
- non-accessory parking for the Addictions Foundation of Manitoba

2. That, prior to the issuance of any future development permits on the land, detailed plans be submitted for the approval of the City Centre Community Committee showing site layout, access, parking, loading, garbage enclosures, fencing, landscaping, site lighting, building elevations and materials, and signage.

3. That pylon signs, temporary signs, and mobile signs be prohibited on the site.

II. That a ten (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/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: _____
Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017

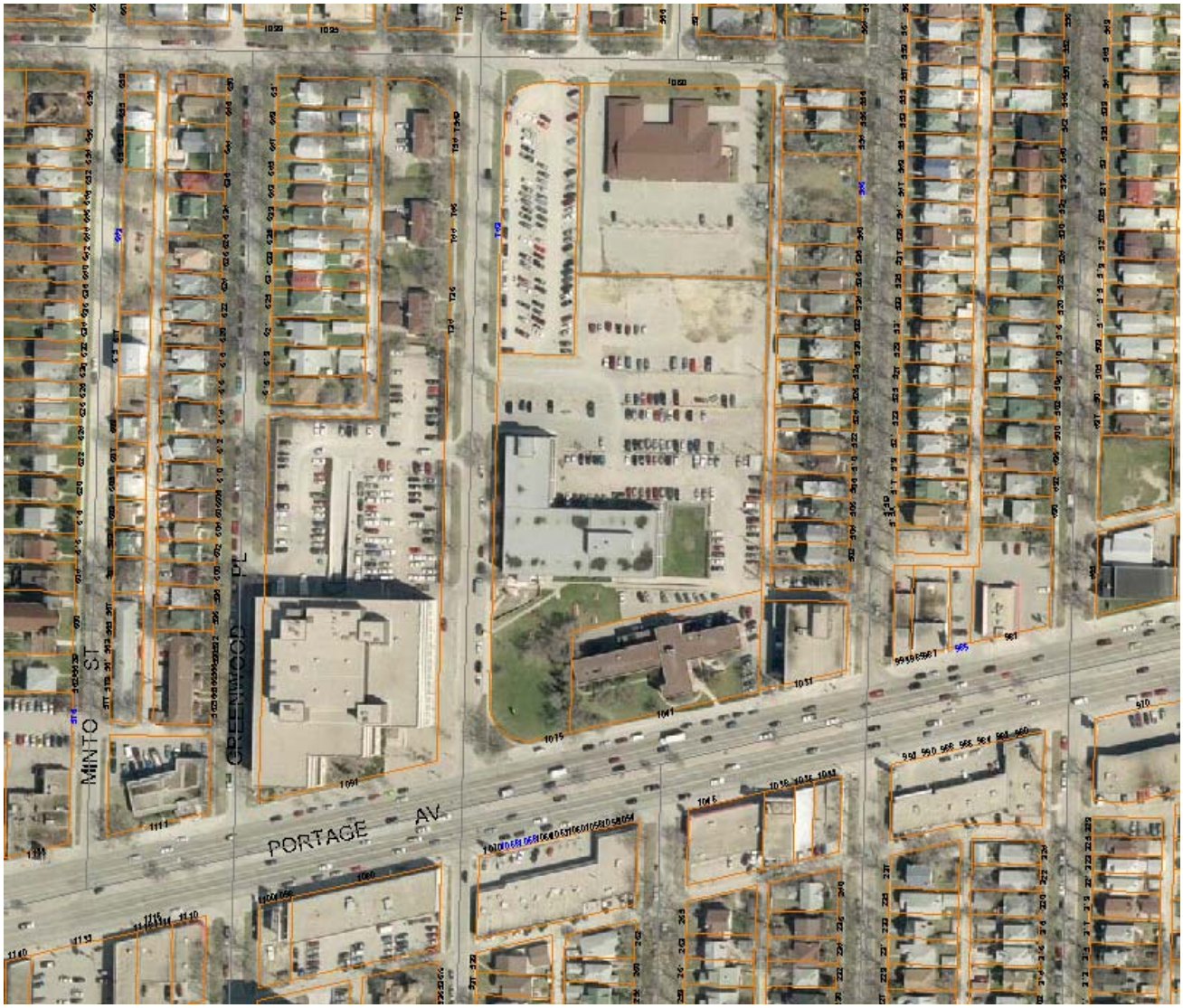


Figure 1: Air Photo of Area.

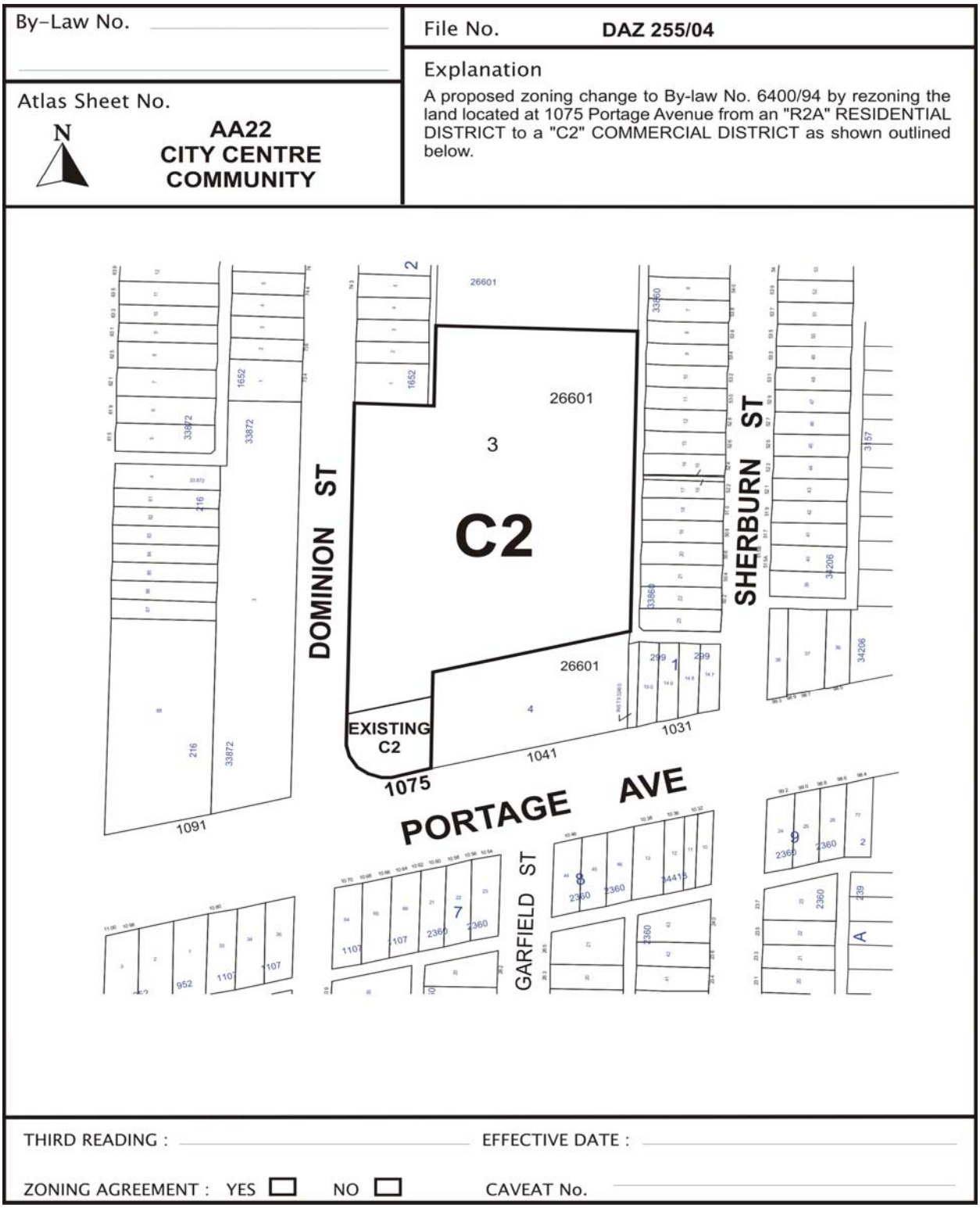


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 255/04, dated October 12, 2004.