Proposed Plan of Subdivision and Rezoning - land located at the northeast corner of Kenaston and McGillivray Boulevards

File DASZ 3/2002

4. The Standing Policy Committee on Property and Development has been advised that an application has been received from ND-Lea Engineers & Planners Inc. (Donovan Toews) on behalf of First Professional Management Inc., c/o 111 – 93 Lombard Avenue, Winnipeg, 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-1" Industrial District and an "MP-2" Industrial District to a "C2" Commercial District to allow for commercial development.

The site is the First Professional Shopping Centre. The proposal is to construct an 110,000 square foot home improvement centre on a pad site situated between the existing Safeway and Wal-Mart stores.

On March 12, 2002, the Assiniboia Community Committee held a public hearing to consider the subject subdivision and rezoning application. Two persons appeared in support of the application, and no one registered in opposition thereto.

The Assiniboia Community Committee concurred in the recommendations contained in the report dated March 4, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed subdivision and rezoning for the following reason:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report dated March 4, 2002 from the Manager of Planning and Land Use.

On April 2, 2002, the Standing Policy Committee on Property and Development considered and concurred in the recommendations contained in the Subdivision and Zoning Change Report dated March 15, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 3/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2002 dated March 4, 2002, for registration in the Winnipeg Land Titles Office.

II. That the developer be required to pay to the City ten percent (10 %) cash dedication in lieu of land dedication, to be calculated on the basis of the increase in market value of the rezoned land.

III. That the applicant be required to enter into a Subdivision Agreement to ensure access to Proposed Lot 2 over existing Lot 2, Block 1, Plan 36840, to and from all approaches from adjacent public rights-of-way, said agreement to be registered by way of a caveat in the Winnipeg Land Titles Office.

IV. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 3/2002 dated March 4, 2002, to a "C2" Commercial District and an "MP-1" Industrial District, subject to the applicant entering into a Zoning Agreement with the

City pursuant to Section 591(1) of The City of Winnipeg Act to apply to Proposed Lot 2 to include the following conditions:

A. No building, structure or works shall be erected or located on the land and no building permit issued for construction on the land unless and until final construction plans, indicating the design and location of proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, landscaping and garbage enclosures, are submitted to and approved by the Chief Administrative Officer or designate and the Assiniboia Community Committee, and thereafter identified by the signature of the Chief Administrative Officer or designate under the designation of Schedule "A" to Zoning Agreement File DASZ 3/2002, and no building, structure or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement.

B. The following uses shall not be permitted on the land:
   1. amusement enterprise, outdoor
   2. animal pound, animal training, kennel
   3. automobile, including motorcycle: cleaning (principal use)
   4. automobile, including motorcycle: repair, service, installation of supplies/parts (principal use)
   5. automobile, including motorcycle: rental, sales
   6. boat: sales, service
   7. boat docking/launching, boat rental, marina
   8. contractors establishment
   9. exterminator
   10. outdoor flea market
   11. machinery/heavy equipment supplies and parts: sales, installation, service
   12. mobile home park
   13. motors or machines, recreational or utility, including power toboggans
   14. outboard motors, lawn mowers: rental, sales, service (principal use)
   15. pawnshop
   16. sign, advertising
   17. taxidermist

C. Mobile advertising signs shall be prohibited on the land except for a period of fourteen (14) days upon issuance of a new occupancy permit.

D. That no outdoor storage occur on the lands.

V. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

VI. 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.

VII. 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 Council extends that time.

VIII. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

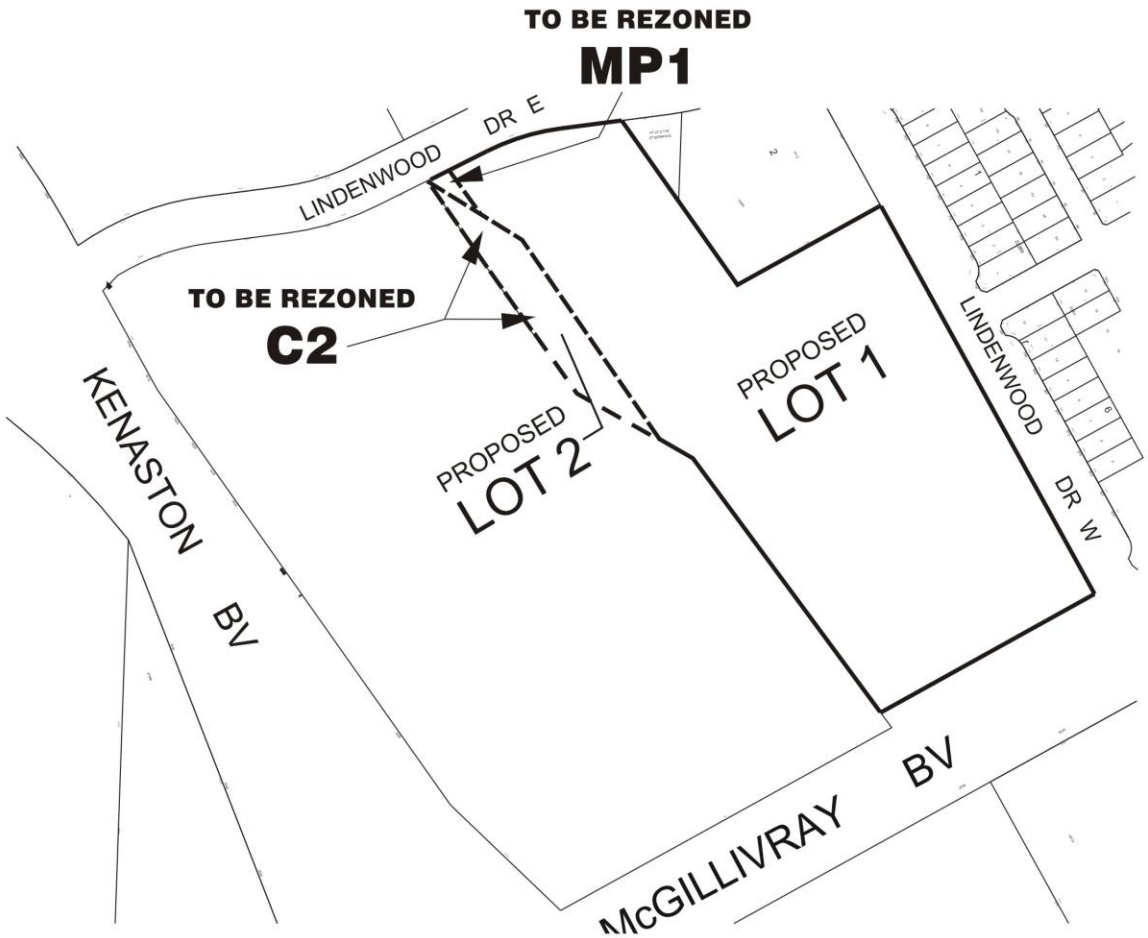
IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Attachment "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated April 2, 2002

By-Law No. _____	File No. **DASZ 3/02**
Atlas Sheet No. **AH20 ASSINIBOIA COMMUNITY** 	Explanation **An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land on the northeast corner of Kenaston Boulevard and McGillivray Boulevard from an "MP1" INDUSTRIAL DISTRICT and an "MP2" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and an "MP1" INDUSTRIAL DISTRICT as shown outlined below.**



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____