

RE: REZONING REFERENCE NO. 44/82

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 FEBRUARY 06
FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #44/82

PURPOSE: To provide a status report on the subject rezoning application, as previously requested by Council.

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RECOMMENDATION:

- 1) THAT Council rescind the prerequisite conditions to the subject rezoning adopted on 1982 September 20 and approve the following prerequisite conditions to rezoning for the subject rezoning application as follows:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to Municipal standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - d) The consolidation of the net project site into two legal parcels.
 - e) The granting of any necessary easements, including an easement to cover the culverting of the watercourse through the Municipal site.



- f) The Final Adoption of the Highway Exchange Bylaw noted in Section 1.5 of this report.
- g) The completion of the Municipal Land Sale and Land Acquisition as outlined in Section 1.4 of this report.
- i) The approval of the Ministry of Transportation and Highways to the rezoning application.
- j) The registration of a Restrictive Covenant to prohibit vehicular access to Grandview Highway.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 Council gave Rezoning Reference #44/82 (Bylaw No. 7962, Amendment No. 58, 1982) First Reading on 1982 October 04 and Second Reading on 1982 October 25 to rezone certain properties in the vicinity of Regent Street, Gilmore Avenue and the Grandview Highway from the R5 Residential District to the M5 Light Industrial District. This rezoning application was originally based on the consolidation of all the properties within the overall site for development as a single M5 District zoned property.
- 1.2 On 1988 February 08, Council adopted the recommendations of the Director Planning and Building Inspection regarding the sale of certain Municipal properties within the subject site in order to permit the consolidation of the overall site.
- 1.3 On 1988 August 16, Council was informed that the transaction was not completed by 1988 July 31 as required under the terms of the contract and the contract was terminated, with the purchaser's deposit subsequently returned. At that time, Council authorized the introduction of a Highway Exchange Bylaw, in order to allow for the consolidation of the municipal lands, roads and lane allowances into one site and the registration of the necessary rights-of-way and restrictive covenant agreements prior to re-tendering the land for sale. This Highway Exchange Bylaw was given Final Adoption by Council on 1988 November 07 and the consolidation was deposited for registration at the Land Title Office on 1988 December 09.
- 1.4 On 1989 March 06, Council received a report from the Director Planning and Building Inspection regarding a proposed land exchange involving lands bounded by Gilmore Avenue, Grandview Highway, MacDonald Avenue and Regent Street in connection with the subject rezoning application.

The report stated that T.E.C. Management, the applicant for Rezoning Reference #44/82 had expressed an interest in pursuing a land acquisition and land sale with the Municipality in order to reconfigure the site to provide an opportunity to create two separate sites for rezoning and development in accordance with the M5 Light Industrial District regulations (with one site owned by the Municipality and one site owned by T.E.C. Management).

On 1989 March 20, Council adopted the following amended recommendations:

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1. THAT approval in principle be given by Council to acquire lands and to sell municipally-owned lands.
 2. THAT Council authorize the preparation of subdivision plans by the Director Engineering to create the ultimate site boundaries of the proposed municipal site (proposed Lot 2).
 3. THAT Council authority be given to the Municipal Solicitor to negotiate a land acquisition and land sale with a further report to be submitted at the conclusion."
- 1.5 On 1989 October 23, the Director Planning and Building Inspection reported further that a settlement had been negotiated for the land acquisition and land sale, as outlined in a report from the Legal Department. The following week, the following recommendations contained in the report were adopted:
- "1. THAT Council authorize the posting of Municipal property and redundant lane allowance for sale by public tender subject to consolidation with the adjacent development site in accordance with the terms outlined in Section 2.1 of this report.
 2. THAT Council authorize the acquisition of property subject to consolidation with the adjacent municipal site in accordance with the terms outlined in Section 2.2 of this report.
 3. THAT Council authorize the preparation and introduction of a Highway Exchange Bylaw involving the dedication of land for the required Regent Street cul-de-sac in exchange for the closure of the redundant lane allowance immediately west of Gilmore Avenue in accordance with the terms outlined in Section 2.4 of this report."
- 1.6 On 1989 December 11, Council adopted the recommendation of the Municipal Solicitor that the bid for the purchase of the municipal property and redundant lane allowance on the terms and conditions as set out in the prescribed bid form be accepted.

This report is in response to a Council request that staff provide a report on the status of the rezoning application.

3.0 REVISED RECOMMENDATIONS AND PREREQUISITE CONDITIONS:

- 2.1 With the change noted to the site configuration and the proposed final ownership of the various properties to accommodate the consolidation of two separate M5 District zoned sites, certain recommendations and prerequisite conditions adopted in the 1982 September 20 rezoning report are no longer pertinent and it would be appropriate for Council to adopt amended prerequisites to the completion of the rezoning. As noted above, the appropriate recommendations on the Highway Exchange Bylaw and the Municipal land sale and land purchase were previously adopted by Council in late 1989.

The significant alterations to the prerequisite conditions are as follows:

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- a) Under the new proposed site configuration, certain lands currently owned by T.E.C. Management will be acquired by the Municipality in order to dedicate and construct the proposed Regent Street cul-de-sac. The Highway Exchange Bylaw requirement replaces the Road Closure Bylaw noted in the rezoning report of 1982 September 20.
- b) There are no existing improvements remaining on the property; therefore the standard prerequisite regarding the removal of existing improvements is redundant.
- c) Prerequisite d) should be changed to reflect the fact that two legal parcels will be created, one owned by the Municipality and one by T.E.C. Management.
- d) Final Adoption of the Highway Exchange Bylaw should be substituted for the completion of a Road Closure Bylaw. **133**
- e) The completion of the Municipal Land Sale and Land Acquisition should be substituted for the completion of the Municipal Land Sale.

4.0 NEXT STEPS:

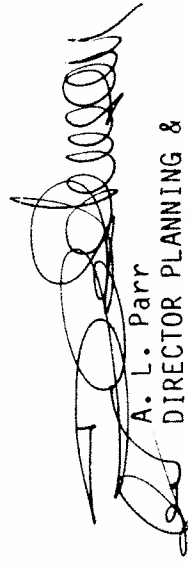
4.1 The changes in this rezoning application, including the previous recommendations adopted by Council are of a technical nature and do not have a fundamental impact on the nature of the rezoning request. In consideration of the foregoing, staff have concluded that it is not necessary to require this rezoning application to be resubmitted to a Public Hearing.

Staff are arranging for preparation of subdivision plans to create the ultimate site boundaries of the proposed municipal site (proposed Lot 2). In light of the Municipal Solicitor having completed negotiations on the land acquisition and land sale and Council having accepted the recommended bid, both the Municipality and the successful bidders are now in a position to satisfy the prerequisite conditions, including the servicing of the sites and the registration of the pertinent encumbrances.

A bylaw to rescind park reservation on the subject and adjacent site is before Council on this agenda. This matter has previously been drawn to Council's attention in a memo from the Municipal Solicitor dated 1990 January 26. When the bylaw receives an affirmative vote of at least two thirds, it will be advanced for the consent of the Minister of Municipal Affairs and then be returned for final adoption by Council. Barring any unforeseen circumstances, final adoption of the bylaw will be followed by those further administrative actions that will conclude the Municipality's transaction with T.E.C. Management.

Staff will keep Council informed of developments affecting this rezoning as required.

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BW:ap


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION