Agenda - Council - June 28, 2006

Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 3 Subdivision and Rezoning - Kirkfield Street and adjacent Westwood Green Park
File DASZ 13/2006 [c/r DAC 8/2006]

STANDING COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 13/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2006 dated May 1, 2006, 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 13/2006 dated May 1, 2006, to an "PR-1" Parks and Recreation District.

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 and the creation of additional sites (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 subdivision section of the by-law shall come into force and effect upon registration in the Winnipeg Land Titles Office.

8. 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.

Report - Standing Policy Committee on Property and Development - June 6, 2006

9. 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.

10. 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.

11. 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 - June 6, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2006, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - Kirkfield Street and adjacent Westwood Green Park**
File DASZ 13/2006

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

Prepared by: **Carlos Gameiro, Clerk,**
Assiniboia Community Committee

Report date: **May 18, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2006, the Assiniboia 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 13/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/06, dated May 1, 2006, 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 13/06, dated May 1, 2006, to an "PR-1" Parks and Recreation District.

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 and the creation of additional sites, (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 subdivision section of the by-law shall come into force and effect upon registration in the Winnipeg Land Titles Office.

8. 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.

9. 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.

10. 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.

11. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. It has been a park for years and it should be sustained as a park formally.

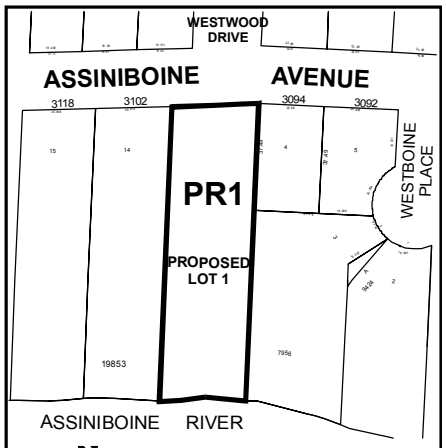
PUBLIC HEARING SUMMARY

File: DASZ 13/2006

Before: Assiniboia Community Committee
Councillor Eadie, Chairperson
Councillor Clement
Councillor De Smedt

Public Hearing: May 16, 2006

Applicant: The City of Winnipeg (Kevin Nixon)



ASSINIBOIA COMMUNITY

APPLICANT : THE CITY OF WINNIPEG

FILE : DASZ 13/06

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 "R1-9" RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Subject:

Premises Affected: Kirkfield Street and adjacent Westwood Green Park

Exhibits Filed:

1. Application dated April 7, 2006
2. Notification of Public Hearing dated April 12, 2006
3. Manitoba Certificates of Title 971314 and 649790
4. Drawing of subject property
5. Report from the Planning and Land Use Division dated May 1, 2006
6. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition

Nil

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No persons registered with respect to the application.

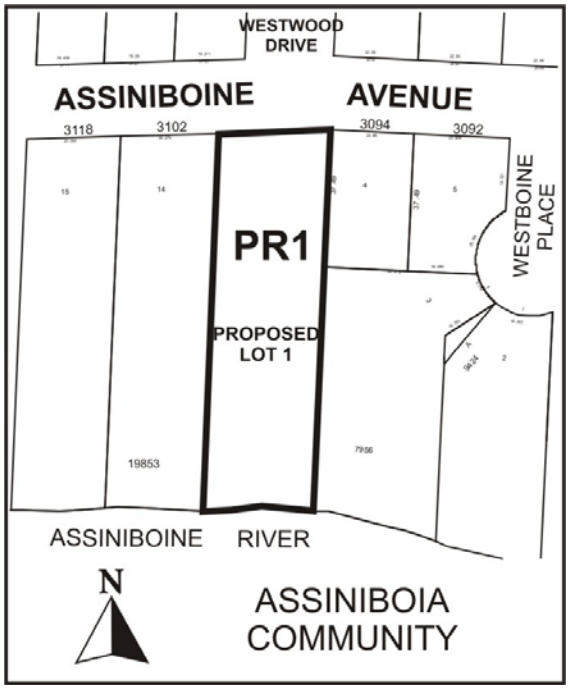
Exhibit "5" referred to in File DASZ 13/2006

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: May 1, 2006
File: **DASZ 13/06**
Related Files: DAC 8/2006
Subject: Subdivision application to consolidate the said lands in conjunction with the closing of Kirkfield Street (DAC 8/2006) and rezone from the 'R1-9' Residential District to the 'PR1' Parks and Recreation District

Location: Kirkfield Street and Adjacent Westwood Green Park
Legal Description: Lot 12/13, Plan 19853 105, RL 108/112 St. Charles



Applicant: City of Winnipeg PP&D (Kevin Nixon)
Owner: City of Winnipeg

Recommendation: Approved

Site Description

Existing Land Use and Zoning

The subject site is located in the Westwood Neighbourhood of the Assiniboia Community. The site is currently vacant, acting as a neighbourhood green space and zoned 'R1-9' Residential.



Figure 1: Subject Site (Aerial Photograph 2005)

Surrounding Land Use and Zoning

North: Assiniboine Avenue then 'R1-5.5' & 'R1-6' Residential
South: Assiniboine River
East: 'R1-9' Residential
West: Kirkfield Street Right of Way (green space) then 'R1-9' Residential

Description of the Proposed Development

The City of Winnipeg Administration was directed to initiate the consolidation and rezoning of the vacant lot and the adjacent right of way to the west to Parks and Recreation in order to ensure that the site is maintained as a public open space and formally designated as a park.

Analysis

The Planning and Land Use Division has no concerns with the application. The Planning and Property report dated December 21, 2005 submitted to the Standing Policy Committee on Property and Development outlined the history of the site and the comments from other departments such as the Transportation Division and the Water and Waste Department. The City of Winnipeg has been maintaining the subject area as a public park and the right of way is not required for transportation purposes.

The Parks and Open Space Division of the Public Works Department will provide the Assiniboia Community Committee with a recommendation regarding a name for the park – presumably Westwood Green Park.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- Complies with Plan Winnipeg
- The right of way is not required for transportation purposes
- It has been functioning and maintained as a public open space

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 13/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 13/06, attached hereto and dated May 1, 2006, 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 The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 13/06, attached hereto and dated May 1, 2006, to an "PR-1" Parks and Recreation District.

IV. That a ten (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 and the creation of additional sites, (if applicable).

V. 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.

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

VII. That the subdivision section of the by-law shall come into force and effect upon registration in the Winnipeg Land Titles Office.

VIII. 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.

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.

XI. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # DASZ 13/06

Schedule "A"

By-Law No. _____

File No. **DASZ 13/06**

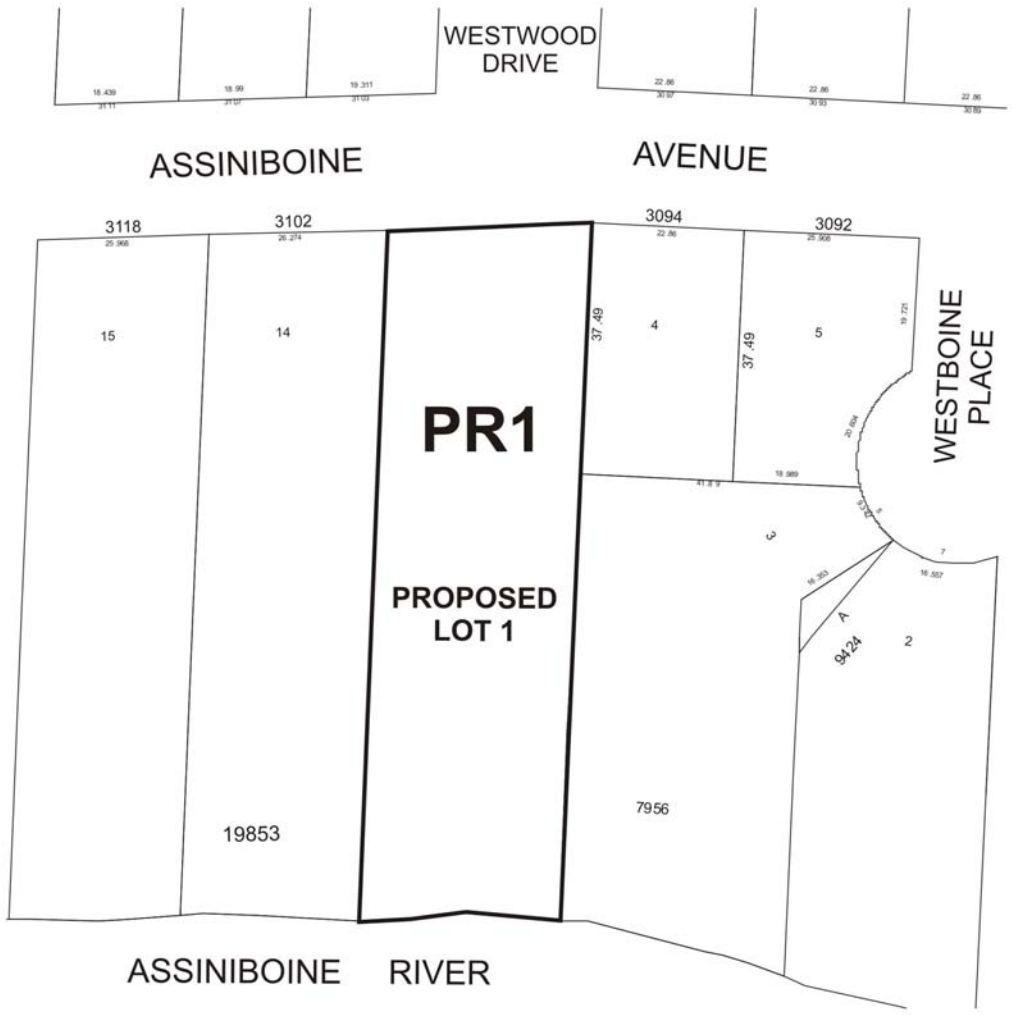
Explanation

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 located on Assiniboine Avenue, south of Westwood Drive from an "R1-9" RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT as shown outlined below.

Atlas Sheet No.

N

AC13 ASSINIBOIA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to Assiniboia Community Committee for file # DASZ 13/06 dated May 1, 2006.