Minutes - Executive Policy Committee - October 21, 2009

Minute No. 422
Report - Standing Policy Committee on Property and Development - October 8, 2009

Item No. 6 Subdivision and Rezoning – 21 Iroquois Bay
(St. Boniface Ward)
File DASZ 16/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 16/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2009 dated July 6, 2009, for registration in the Winnipeg Land Titles Office subject to:

   A. The ratifying of
      i. a Land Exchange Agreement; and
      ii. a Landscaping and Maintenance Agreement between the City of Winnipeg and the subject Private Holding at 21 Iroquois Bay.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2009 dated July 6, 2009, to an "R1-M" Residential District.

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

4. 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.

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

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

Report - Standing Policy Committee on Property and Development - October 8, 2009

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.

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.

10. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, 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 8, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 21 Iroquois Bay**
File DASZ 16/2009

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

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

Report date: **September 9, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 16/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2009 dated July 6, 2009, for registration in the Winnipeg Land Titles Office subject to:

    A. The ratifying of
        i. a Land Exchange Agreement; and
        ii. a Landscaping and Maintenance Agreement between the City of Winnipeg and the subject Private Holding at 21 Iroquois Bay.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2009 dated July 6, 2009, to an "R1-M" Residential District.

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

4. 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.

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

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

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.

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.

10. 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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated July 6, 2009.

2. This land exchange will provide the City with the opportunity to construct an access to the Seine River in the future.

PUBLIC HEARING SUMMARY

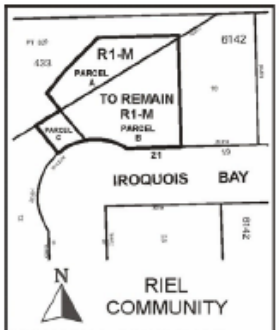
File: DASZ 16/2009

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: September 8, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Colin Cheys

Subject:



APPLICANT : COLIN CHEYS
FILE : DASZ 16/09
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. 200/2006 by rezoning the land shown outlined above from a "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT which will be consolidated with an adjacent parcel to allow for the expansion of an existing residential lot. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : COLIN CHEYS
N° DE RÉFÉRENCE : DALZ 16/09
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passerait de la catégorie PR2 (SECTEUR DES PARCS ET DES LOISIRS 2) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES), lesquels sols seront regroupés avec une parcelle de terrain adjacente en vue de permettre l'agrandissement d'un lot résidentiel existant. **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 21 Iroquois Bay

Exhibits Filed:

1. Application dated May 14, 2009
2. Notification of Public Hearing dated June 19, 2009
3. Title Search 1880620
4. Surveyor's Building Location Certificate and sketch dated August 29, 1991.
5. Surveyor's Buildings Location Certificate and sketch dated March 3, 2009
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated July 6, 2009
8. Inspection Report

REPRESENTATIONS:

In Support:

Colin Cheys

In Opposition

David John Danyluk

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 16/2009]

ADMINISTRATIVE REPORT

ISSUE: DASZ 16/2009 21 Iroquois Bay Public Hearing.

Critical Path: RIEL Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Lalor	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 16/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2009 dated July 6, 2009, for registration in the Winnipeg Land Titles Office subject to:

    A. The ratifying of
        i. a Land Exchange Agreement; and
        ii. a Landscaping and Maintenance Agreement between the City of Winnipeg and the subject Private Holding at 21 Iroquois Bay.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2009 dated July 6/ 2009, to an "R1-M" Residential District .

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

4. 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.

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

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

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.

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.

10. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the exchange of a parcel of private land for a portion of the adjoining Public Reserve (Windsor Park Golf Course) owned by the City of Winnipeg. The land that the applicant is acquiring and consolidating with his property through the land swap is to be rezoned from “PR2” Parks and Recreation to “R1-M” Residential Single Family.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	July 6, 2009
File No.	DASZ 16/2009

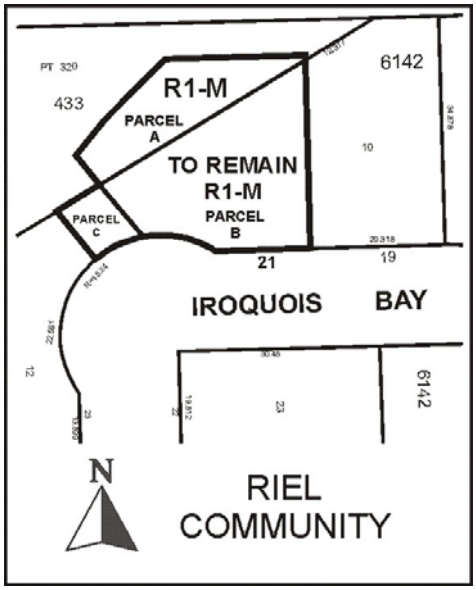
APPENDIX 'A'

Date: July 6, 2009
File : DASZ 16/2009
Related Files: N/A

Subject: The applicant is proposing to exchange a parcel of his land for a portion of the adjoining Public Reserve (Windsor Park Golf Course) owned by the City of Winnipeg. The land that the applicant is acquiring and consolidating with his property through the land swap is to be rezoned from " PR2" Parks and Recreation to " R1-M" Residential Single Family**.**

Location: 21 Iroquois Bay

Legal Description: Lot 11, Blk 4, Plan 6142



Applicant: Colin Cheys

Owner: Same as above

Recommendation: Recommend approval with conditions

Site Description:



Surrounding Land Use:

North: To the north of the subject property is the eighteenth fairway of the Windsor Park Golf Course. The Golf Course is zoned " PR2" Parks & Recreation District.

South/East: To the south and east is a residential housing subdivision built in the late 1950's and zoned " R1-M" Residential Single Family. Most of the neighbouring dwellings are in the 6000 sq. ft. range.

West: To the west is the Seine River and heavily treed areas abutting the fairways of the Windsor Park Golf Course. The area is zoned " PR2" Parks & Recreation.

Existing Zoning:
The applicants lot which currently has an overall area of 6680 sq. ft. and is occupied with a 1218 sq. ft. split level home is zoned " R1-M" Residential Single Family.

Background:

Several years ago, the owner of 21 Iroquois Bay initiated an application to obtain a parcel of City land at the rear of his property. The land , in question, while City owned, was within the boundary of a fence constructed by the City and seemed to be a natural extension of the owners backyard. Because of these unique circumstances and because of its location relative to the golf course, it was not deemed to be of any major importance to the overall operation or needs of the Windsor Park Golf Course itself. However, because the City rarely disposes of zoned " PR2" anywhere, under any circumstances, the request was reviewed by several City Departments, the owner and organizations like Save Our Seine, before a decision was made negotiate an agreement with the owner, Mr. Chey. After much consultation and after evaluating a range of options , the City is prepared to endorse the subject rezoning and subdivision proposal under DASZ 16/2009.

Description of the Proposed Development:

The applicant, Mr. Colin Cheys has negotiated an agreement with the City of Winnipeg whereby he will acquire a 2800 sq.ft. parcel of Parks & Recreation land lying adjacent to his property (Parcel A on the attached map) in exchange for a 775 sq.ft. portion of his own land at the west end of his property (Parcel C on the attached map). The land that Mr. Cheys is acquiring will be one meter within an existing fence line and is fairly heavily treed. The 2800 sq. ft. parcel being acquired by Mr. Chey is to be rezoned to a " R1-M" Single Family Residential classification and consolidated with his existing residential property (Parcel B on attached map) . In exchange for the " PR2" land, the City will acquire title to a 26 ft. wide (775 sq.ft.) portion of Mr. Chey's land at the west end of his property. Under a Landscape and Maintenance Agreement, Mr. Chey will continue to utilize and maintain the 775 sq. ft. parcel until such time as the City requires said parcel for future pedestrian pathway purposes. When and if the aforementioned Parcel C is required for a public pedestrian pathway link, the land will be rezoned to a " PR1" Parks & Recreation category. The declaring of the 'PR2" surplus will occur simultaneously when City Council gives final reading to new By-Law for the rezoning and subdivision.

Analysis:

The City does not customarily sell or exchange portions of its public reserve inventory, particularly where municipal golf courses are concerned. However, upon receipt of a request by a property owner, several years ago, to acquire approximately 2800 sq. ft. of zoned " PR2" land adjoining his lot, the situation was deemed so unique, that the offer was not immediately dismissed. The land involved lies directly behind Mr. Chey's lot at 21 Iroquois Bay and currently falls within the legal boundary of the Windsor Park Golf Course. It also lies **within** a 6' high chain link fence which was erected years ago by the City and constitutes a real and practical barrier between activity on the golf course and rear yards of property owners along Iroquois Bay. In effect, it has for many years, to all intents and purposes , been part of the land owned

and maintained by the Chey family. It was, for that reason, that the upon receipt of the request, the Parks Strategic Planner and the City Naturalist, took a hard look at a variety of options, specifically involving an exchange of properties as opposed to a direct sale. After many months of negotiation and consultation with organizations like Save Our Seine, An arrangement with the owner has been arrived at which will generally be in the long term interests of both Mr. Chey and the City of Winnipeg. If Council ratifies the proposed rezoning and subdivision and the City "PR" land is declared surplus, Mr. Chey will receive title to the area described as Parcel A. He will then be legally entitled to encroach into that space with accessory structures etc. The City will receive title to a smaller Parcel (described as C) which will not be rezoned to a " PR" classification until such time as the City proceeds with its long term plans to install a pedestrian pathway link from Iroquois Bay through to the Seine River Parkway. In the interim, under the conditions of a Landscaping & Maintenance Agreement with the City, Mr. Chey or subsequent owners of 21 Iroquois Bay will be delegated the responsibility of maintaining the 775 sq. ft. subject parcel until such time as the City requires the land for access purposes.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reason:

- The larger of the two parcels involved in the exchange, Parcel A, is already effectively physically detached from the Golf Course by a 6' fence. Therefore the transfer of title to Mr. Chey and subsequent consolidation with his existing property will not be noticeably different from the current situation.

- Through the exchange process, the City also acquires future potential access to Iroquois Bay from the Seine River Park system.

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

Report Prepared by: Kevin Lalor
PPD File # (.526)

Schedule “B” for File No. DASZ 16/09, Riel Community Committee, dated September 1, 2009.

