Agenda - Council - October 28, 2009

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

Item No. 5 Subdivision and Rezoning – 425 John Forsyth Road
(St. Vital Ward)
File DASZ 9/2009

STANDING COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation 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 under File DASZ 9/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 1, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 9/2009 dated September 1, 2009, to an "RMF-S" Residential Multiple Family District.

3. That the applicant be required to enter into a Subdivision Agreement on the subject lands subject to the following:

    A. No building or development permits shall be issued on the subject lands zoned RMF-S until:

        i. That the applicant bear the costs of relocating the existing play structure and associated site amenities and the costs of upgrading said amenities and structures in compliance with the current CAN/CSA Z614 Children's Playspaces and Equipment guidelines;
        ii. That the applicant bear the costs of the realignment of the existing N/S Asphalt path to accommodate the playground relocation and existing drainage swale, to be constructed in accordance with City standards;
        iii. That the applicant bear the cost of relocating or replacing trees impacted by the site modifications;
        iv. That for all the above, final plans be subject to review and approval by the Directors of Public Works and Planning, Property and Development;
        v. That the school division continue to assume maintenance of the areas west of the relocated asphalt path, similar to the conditions of the existing Joint Use Agreement.

vi. That the applicant bear the costs of five new benches and associated bench nodes, constructed to comply with the Universal Design Standards (SCD 136A) and the style and location of the aforementioned to be determined as a result of consultation with the area Park Superintendant and Urban Designer;

vii. That the applicant bear the cost of sixteen new trees, minimum 65mm caliper, complete with two year maintenance, said trees to be installed in accordance with City planting guidelines, in locations to be determined in consultation with the Park Superintendant and Urban Designer.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 of the Plan of Subdivision 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 one year from the date the by-law is passed, failing which 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.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

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 – 425 John Forsyth Road**
File DASZ 9/2009 [c/r DCU 110074/2009D]

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 under File DASZ 9/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 1, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 9/2009 dated September 1, 2009, to an "RMF-S" Residential Multiple Family District.

3. That the applicant be required to enter into a Subdivision Agreement on the subject lands subject to the following:

    A. No building or development permits shall be issued on the subject lands zoned RMF-S until:

        i. That the applicant bear the costs of relocating the existing play structure and associated site amenities and the costs of upgrading said amenities and structures in compliance with the current CAN/CSA Z614 Children's Playspaces and Equipment guidelines;
        ii. That the applicant bear the costs of the realignment of the existing N/S Asphalt path to accommodate the playground relocation and existing drainage swale, to be constructed in accordance with City standards;
        iii. That the applicant bear the cost of relocating or replacing trees impacted by the site modifications;
        iv. That for all the above, final plans be subject to review and approval by the Directors of Public Works and Planning, Property and Development;
        v. That the school division continue to assume maintenance of the areas west of the relocated asphalt path, similar to the conditions of the existing Joint Use Agreement.

vi. That the applicant bear the costs of five new benches and associated bench nodes, constructed to comply with the Universal Design Standards (SCD 136A) and the style and location of the aforementioned to be determined as a result of consultation with the area Park Superintendant and Urban Designer;

vii. That the applicant bear the cost of sixteen new trees, minimum 65mm caliper, complete with two year maintenance, said trees to be installed in accordance with City planting guidelines, in locations to be determined in consultation with the Park Superintendant and Urban Designer.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 of the Plan of Subdivision 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 one year from the date the by-law is passed, failing which 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 September 8, 2009.

2. The development will provide much needed daycare spaces in the area.

PUBLIC HEARING SUMMARY

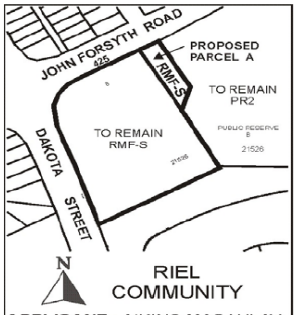
File: DASZ 9/2009 [c/r DCU 110074/2009D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

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

Applicant: Aikins, MacAulay & Thorvaldson LLP (Robert Tyler)

Subject:



APPLICANT : AIKINS MACAULAY THORVALDSON
FILE : DASZ 9/09
PROPOSAL : An application for the approval of the plan of survey 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 "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT and consolidate with adjacent lands to allow for the construction of an addition to an existing school for the expansion of a daycare centre. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : AIKINS MACAULAY THORVALDSON
N° DE RÉFÉRENCE : DALZ 9/09
PROJET : Demande d'approbation par le Conseil du plan d'arpentage relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal sur le zonage no 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 [SECTEUR COMMUNAUTAIRE]) à la catégorie RMF-S (SECTEUR D'HABITATIONS MULTIFAMILIALES), lesquels sols seront regroupés avec une parcelle de terrain adjacente en vue de permettre l'agrandissement d'une garderie par voie de rajout à une école existante. **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 425 John Forsyth Road

Exhibits Filed:

1. Application dated June 20, 2009
2. Notification of Public Hearing dated July 29, 2009
3. Manitoba Status of Title(s) 1229659 and 1654949
4a. Letter of authorization from Serge Bisson, Division Scolaire Franco-Manitobaine to Robert L. Tyler, Aikins, MacAulay & Thorvaldson LLP
4b. Letter of authorization dated January 27, 2009 from The City of Winnipeg to Division Scolaire Franco-Manitobaine
5. AirPhoto of the subject property/sign
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated September 1, 2009
8. Inspection Report

REPRESENTATIONS:

In Support:

Serge Bisson
Robert L. Tyler

In Opposition

Brian and Shelly McKay
Deb Vanderkerkhove

For Information:

Yuriy V. and Yuriy Y. Abramov

For the City:

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

Exhibit "7" referred to in File DASZ 9/2009 [c/r DCU 110074/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 9/2009 425 John Forsyth 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 under File DASZ 9/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 1, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 9/2009 dated September 1, 2009, to a "RMF-S" Residential Multiple Family District.

3. That the applicant be required to enter into a Subdivision Agreement on the subject lands subject to the following:

    A. No building or development permits shall be issued on the subject lands zoned RMF-S until:

        i. That the applicant bear the costs of relocating the existing play structure and associated site amenities and the costs of upgrading said amenities and structures in compliance with the current CAN/CSA Z614 Children's Playspaces and Equipment guidelines;
        ii. That the applicant bear the costs of the realignment of the existing N/S Asphalt path to accommodate the playground relocation and existing drainage swale, to be constructed in accordance with City standards;
        iii. That the applicant bear the cost of relocating or replacing trees impacted by the site modifications;

iv. That for all the above, final plans be subject to review and approval by the Directors of Public Works and Planning, Property and Development;
v. That the school division continue to assume maintenance of the areas west of the relocated asphalt path, similar to the conditions of the existing Joint Use Agreement.
vi. That the applicant bear the costs of five new benches and associated bench nodes, constructed to comply with the Universal Design Standards (SCD 136A) and the style and location of the aforementioned to be determined as a result of consultation with the area Park Superintendant and Urban Designer;
vii. That the applicant bear the cost of sixteen new trees, minimum 65mm caliper, complete with two year maintenance, said trees to be installed in accordance with City planting guidelines, in locations to be determined in consultation with the Park Superintendant and Urban Designer.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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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 one year from the date the by-law is passed, failing which 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 City of Winnipeg selling to the School Division 17,868 sq. ft. (.4 acres) of land, to be rezoned from a "PR2" Parks and Recreation category to an "RMF-S" Residential classification

and consolidated with the existing school property. An approximately 4327 sq. ft. addition will then be added to the existing daycare.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

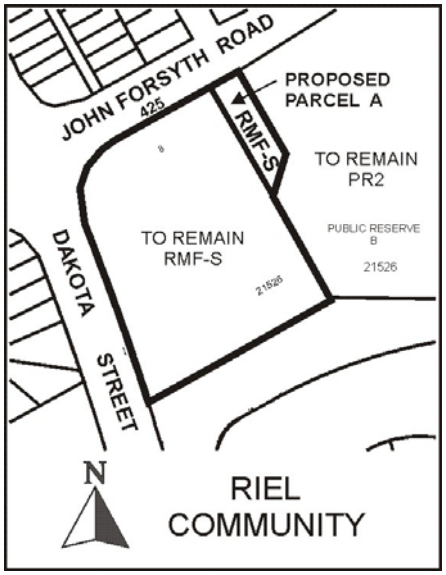
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	September 1, 2009
File No.	DASZ 9/2009

APPENDIX 'A'

Date: September 1, 2009
File: DASZ 9/2009
Related Files: DCU09-110074D

Subject: The City of Winnipeg is selling to the School Division 17,868 sq. ft. (.4 acres) of land, to be rezoned from a "PR2" Parks and Recreation category to an "RMF-S" Residential classification and consolidated with the existing school property. An approximately 4327 sq. ft. addition will then be added to the existing daycare.

Location: 425 John Forsyth Road



Applicant: Aikens, Macaulay & Thorvaldson
Owners: City of Winnipeg & Division Scolaire Franco- Manitobaine

Recommendation: Approval of the proposed rezoning and subdivision.

Site Description:



Existing Land Use and Zoning:

The land involved in the subject application is situated at the S. W. corner of John Forsyth Road and Dakota Street. There is an elementary school, Ecole Christine Lesperance, located on the site and the land is zoned in its entirety, "RMF-S" Residential Multiple Family. The area into which the proposed school expansion is to take place is currently City owned, zoned " PR2" Parks and Recreation and occupied with a play structure.

Surrounding Land Use and Zoning:

To the immediate east is a twenty seven (27) acre Public Reserve area zoned " PR2" Parks and Recreation and as yet largely undeveloped . To the south is a continuance of the Public Reserve and a retention lake, all zoned " PR2" Parks and Recreation. To the west of Dakota Street is and established residential neighbourhood , zoned " RI-M" Single Family Residential. To the north is a twenty unit condominium complex zoned " C2 " Commercial and single family residential housing zoned " R1-M" Single Family.

Background:

The DSFM's original proposal for the subject site, was a campus complex, complete with k-8, high school and community centre. That suggestion was met with strong opposition by the neighbourhood (primarily due to traffic concerns) and as a result, the school division opted for

an elementary school at the subject location. It was decided to construct the larger complex at Warde Avenue and St. Anne's Road. In the intervening years there has been an ongoing and successful relationship between the City of Winnipeg and the DSFM, to the extent that a Joint Use Agreement allows for the shared use/maintenance of playground areas and equipment immediately adjoining the east side of the school building. Several years ago, the DSFM first broached the idea of an addition to the school for a daycare facility at the north east corner of the existing structure. Given that the proposed expansion, would require the acquisition of .4 acres of adjacent Public Reserve land, a number of meetings were immediately convened between City representatives , the DSFM and the Public Schools Finance Board to review preliminary plans. It was subsequently determined, at those meetings, that the sale of a small parcel of City land to the school division for development purposes was feasible, subject to a public consultation process taking place and formal applications being made for the subdivision and rezoning of the property. Open houses have been held and surveys have been circulated to local residents and, to date, the response, from the community, to the proposed addition and marginal loss of green space has been positive.

Description of the Proposed Development:
The overall area being acquired , from the City, by the School Division totals 17,868 sq. ft. (.4 acres) and it is to be rezoned from a " PR2" Parks and Recreation category to an "RMF-S" Residential classification and consolidated with the existing school property. An approximately 4327 sq. ft. addition will then be added to the existing daycare. The expansion of the school will necessitate the relocation of one play structure and the marginal realignment of an adjoining pedestrian pathway. The increase in land area may also allow Ecole Christine Lesperance to add 8-9 new parking stalls to its current parking area abutting John Forsyth Road.

Analysis:
Over the last year, the DSFM and representatives of the City of Winnipeg (Real Estate, Planning, Property & Development & Public Works) have met regularly to discuss the proposed sale of land and outline what conditions, if any , should be attached to the accompanying zoning agreement. The City , early on in the process, took the position that the sale and conveyance of . 4 acres of public reserve land to the Division Scolaire Franco-Manitobaine could be accomplished without adversely affecting the integrity of the overall 26.7 acre adjoining park area. The ongoing consultation process with the community appeared to confirm that 1) the majority of neighbouring residents not only welcomed an expanded daycare facility but 2) they did not object to the loss of a relatively small area of green space to accommodate the aforementioned expansion.. In exchange for the subject parcel of land, the City of Winnipeg has also requested that the School Division agree to a number of conditions including the following: a) the cost of relocating and upgrading one existing play structure and associated existing site amenities (benches, waste receptacles etc.) b) the costs of realigning the existing pathway system c) the costs of replacing or relocating existing trees impacted by the site modifications and the costs associated with adding 16 **new** trees and 5 **new** benches and bench nodes. The School Division has, in principle, agreed to these above noted conditions.

Recommendation:

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

- The size of the parcel involved in the sale is relatively small relative to the overall area of the adjacent Public Reserve area.
- The proposed use (expansion of an existing daycare) appears to have the support of the neighbouring community.
- Through the sale and accompanying rezoning process, the City will be able to , in conjunction with the School Division, upgrade and/or add to its existing amenities (i.e. play structures, benches, landscaping etc.)

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

Report Prepared by: Kevin Lalor
PPD File # .502

Schedule “A” for File No. DASZ 9/09, Riel Community Committee, dated September 1, 2009.

