Agenda – Council – March 24, 2010

Report – Standing Policy Committee on Property and Development – March 2, 2010

Item No. 11 Acquisition - Properties on Bedford Avenue (Transcona Ward) eFile DAO 2/ 2009

STANDING COMMITTEE RECOMMENDATION:

On March 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the Director of Planning Property and Development be authorized to negotiate and approve the acquisition of 310 Bedford Avenue and the two lots immediately north of the subject property and south of Second Street; final terms and conditions of the acquisition be to the satisfaction of the Director and the City Solicitor/Manager of Legal Services.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – March 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service dated February 11, 2010, with the following amendment, namely:

- Add the words "and the two lots immediately north of the subject property and south of Second Street" after "310 Bedford Avenue,"

and submitted the matter to the Executive Policy Committee and Council.

Further, on March 2, 2010, the Standing Policy Committee on Property and Development laid over consideration of the May 19, 2009, recommendation of the East Kildonan - Transcona Community Committee pending the conclusion of the acquisition of the 310 Bedford Avenue and the two lots immediately north of the subject property and south of Second Street.

On June 2, 2009, the Standing Policy Committee on Property and Development requested the Winnipeg Public Service to report back on the implications of having people living on Bedford Avenue, without a full level of services.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 19, 2009, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the street opening shown on Misc. Plan No. 13537 be approved.

2. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening in accordance with Misc. Plan No. 13537.

ADMINISTRATIVE REPORT

ISSUE: **Implications of allowing the maintenance of a residential dwelling unit on an unimproved right-of-way (Bedford Avenue) in a Rural Policy Area.**

Critical Path: **Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	D. Joshi	M. Ruta	P. Sheegl Deputy CAO

RECOMMENDATIONS

It is recommended that the Director of Planning Property and Development Department be authorized to negotiate and approve the acquisition of 310 Bedford Avenue; final terms and conditions of the acquisition be to the satisfaction of the Director and the Acting City Solicitor/Manager of Legal Services.

IMPLICATIONS OF THE RECOMMENDATIONS

The acquisition of 310 Bedford and the elimination of the mobile home on the property will eliminate the risk for the current residents, who are currently located at the end of an unimproved roadway where access by emergency and service vehicles is now challenged.

HISTORY

The Planning, Property and Development Department has received an application from Mr. Scott Lechman, requesting the opening of Bedford Avenue from Second Street to the southern limit of 310 Bedford. This application was made in conjunction with an application for a local improvement of Bedford Avenue between Copeland Street and the southern limit of the proposed opening. The Winnipeg Public Service did not recommend approval of the application.

On May 19, 2009, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and moved approval of the Street opening. On June 2, 2009, Standing Policy Committee on Property and Development did not concur in the motion of the East Kildonan-Transcona Community Committee and further moved that the Winnipeg Public Service be requested to report back on the implications of having people living on Bedford Avenue, without a full level of services.

The three 0.2 ha subject properties are located in a Rural Policy Area designation under Plan Winnipeg; there are no municipal services and access to the properties is via Bedford Avenue south of Copeland St. to Second St. and a private easement for a driveway south of Second St. These three lots do not have frontage on a legally opened street and became landlocked when the original plan of subdivision within which they were contained, was cancelled in 1935. A mobile home was established on the most southerly lot (310 Bedford) under DAV 681/87, a variance to permit the establishment of a buildable site having no frontage on a street and to allow the temporary location for a mobile home.
The other lots must establish a road opening and front onto an improved roadway in order to become buildable; this was the intent of the above noted street opening application.

The Winnipeg Public Service advises that Bedford Ave. from Copeland St. south to these properties, while legally open to Second St. is an unimproved roadway inherited from the former City of Transcona. An assessment was performed by Streets Maintenance and concludes the following: “It has no ditches or land drainage and little structural capacity. It could not handle any increased traffic volume without major improvements. The roadway will not be capable of handling service vehicles such as garbage, water and sewer trucks. As well, during wet conditions the capability of providing adequate emergency protection may be affected.” Therefore, the inhabitants of 310 Bedford are incurring a certain amount of risk by residing on this property.

Subsection 475(1) of the City of Winnipeg Charter provides that the City must construct every street to a standard that is appropriate for the use to which the City expects the street to be put and every street is to be kept in repair. In this case, "the use to which the City expects the street to be put" includes vehicular travel to and from a residence in a rural policy area. Accordingly, the Public Service is of the view that Bedford should be constructed and maintained to the basic standard that the City has adopted for similar streets in similarly-zoned areas (ie. Rural granular surface roadway with ditch drainage). Under the Charter, the City of Winnipeg would therefore be responsible for upgrading Bedford Ave. from Copeland St. to Second St. to a rural standard. Improvements to ensure the existing private approach south of Second Avenue is passable in all weather would be the responsibility of the current homeowner.

There are three options to address the potential risk to the residents of 310 Bedford:

Option 1:
Improve Bedford Avenue from Copeland to Second Street. The Public Service estimates that the cost of this work would be around $120,000, as well as ongoing maintenance. This is a significant cost and only provides access to one home while creating increased pressure for development of the other two lots, exacerbating the haphazard development pattern in this unserviced area.

Option 2:
Close the Bedford Ave right-of-way and acquire the properties in question. The appraised value of all three properties is estimated at between $218,000 and $230,000 in total. Through negotiation of the acquisition, the Public Service could explore the potential of a land exchange for other parcels in the South Transcona area. While the cost may be higher in comparison to the cost of upgrading and maintaining the roadway, the purchase of these properties does meet broader planning objectives for this area and the City as a whole.

These properties are in a Rural Policy Area, the goal of the rural designation is to maintain these areas as primarily devoted to agricultural uses and related support functions until such time as these lands are required to be redesignated for future urban development. The City is already a significant land holder of other lots in the area that once formed part of the obsolete plans of subdivision. The maintenance of land in larger holdings in rural policy areas is critical to being able to plan for orderly subdivision and development, including a full level of servicing, into the future. It is especially important to ensure that the City, through policy (and at times ownership), maintain a supply of land that can be converted to urban uses in order to meet future demographic growth.

This is becoming more and more critical as the City will be nearing a complete build-out of its residentially designated lands within a 15 year planning horizon. As part of the current OurWinnipeg initiative, the Public Service will be looking at the redesignation of Rural Policy areas such as this to meet future residential land requirements. Improving the existing Bedford Ave. right-of-way would lead to increased development pressure for permanent structures on all three lots, hindering future orderly development of this area at an urban standard.

Option 3:
In order to relocate the current residents, the Public Service negotiates the acquisition of the property at 310 Bedford only, which has an estimated appraised value of $118,000. As with Option 2, through negotiation of the acquisition, the Public Service could explore the potential of a land exchange for another developable parcel in the South Transcona area.
The other two parcels would remain land locked as they are today, therefore their development rights would not be affected. However, by remaining under separate ownership, this may hinder the orderly development of the area in the future.

If a land exchange is successful, Option 3 would have a lesser financial impact than the other two options and would meet the planning objectives for orderly development.

FINANCIAL IMPACT

Financial Impact Statement **Date:** February 10, 2010

Project Name: **First Year of Program 2010**

Implications of allowing the maintenance of a residential dwelling unit on an unimproved right-of-way (Bedford Avenue) in a Rural Policy Area

	2010	2011	2012	2013	2014
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 118,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 118,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	118,000	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: For the purposes of this analysis, it is assumed that the property will be acquired for the estimated appraised value of $118,000. The cost of acquisition is to be charged to the Land Operating Reserve Fund.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Legal Services

Public Works

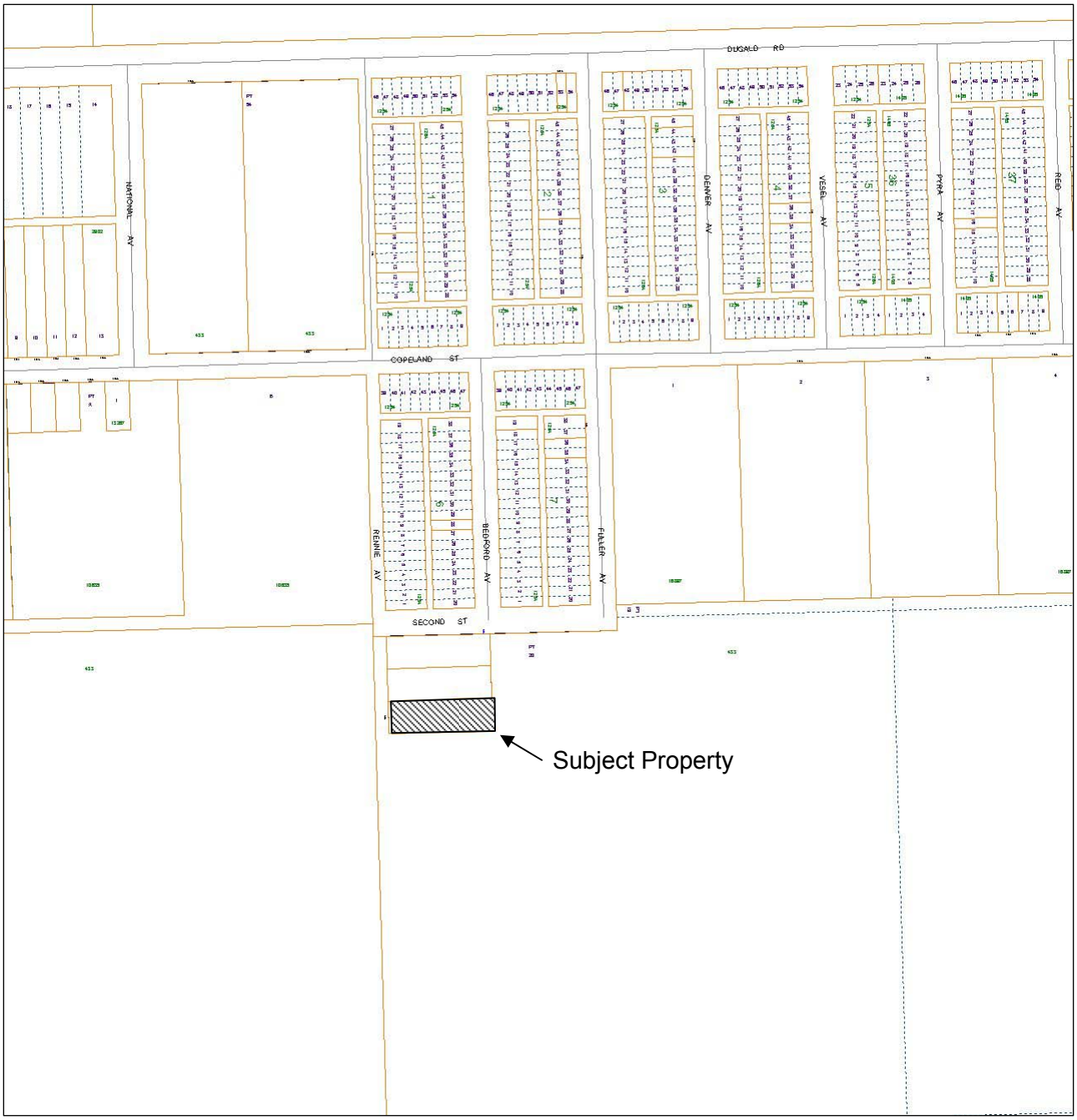
SUBMITTED BY

Department	Planning Property and Development
Division	Planning and Land Use
Prepared by	Dianne Himbeault, Acting Manager
Date:	February 11, 2010
File No.	n/a

Appendix A: Location Map

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2009 Reports\BedfordStOpening.doc

Appendix A: Location Map



ADMINISTRATIVE REPORT

RE: DAO 2/2009 – PROPOSED OPENING OF BEDFORD AVENUE, SOUTH OF SECOND STREET

FOR SUBMISSION TO THE EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE

REPORT DATE: APRIL 27, 2009

AUTHORIZATION

Author	Department Head	CAO
Bohdan Buyachok		

RECOMMENDATION

1. That the proposed street opening under File DAO 2/2009 not be proceeded with.

REASON FOR THE REPORT

All street and lane openings not previously approved by Council require the consideration of the Community Committee.



History

The Planning, Property and Development Department has received an application from Mr. Scott Lechman requesting the opening of Bedford Avenue as illustrated on the attached copy of Misc. Plan No. 13537. Mr. Lechman is the owner of No. 300 Bedford Avenue and is making this application along with the two property owners immediately to the south of his holding. The applicants' proposal entails the dedication of a portion of their holdings as well as that of the

adjacent City property for right of way purposes as shown on the sketch. The City property is part of Buhler Recreation Park.

Mr. Lechman's DAO application is being made in conjunction with an application for a local improvement of Bedford Avenue between Copeland Street and the southern limit of the proposed opening. Both applications are being made to accommodate the construction of a single family dwelling at 300 Bedford Avenue as well as the future development of the adjoining lots.

KEY ISSUES

Administrative Objections

The proposal has been considered by all affected City departments and public utilities.

The Planning and Land Use Division of the Planning, Property and Development Department does not support the subject closing and proposed site development based on the following analysis and comment:

> In terms of *Plan Winnipeg 2020* the subject site is located within our Rural Policy designation. The application that would allow the residential development within Rural Policy designation is contrary to several *Plan Winnipeg* policies relating to orderly development, compact urban form and the regulation of land uses in Rural areas.
>
> For example **3A-01 Promote Orderly Development** iv) states;
> *Considering Rural designation to signify areas primarily devoted to agricultural uses and related support functions until such time as these lands are required to be redesignated for future development;*
>
> Supporting the expansion of residential development within Rural policy areas would be inconsistent with this policy in that there is no application to redesignate these lands to neighbourhood policy and there is no demonstrated need that these lands are required for residential expansion.
>
> Policy **3A-02 Promote Compact Urban Form** has several statements pertinent to this application;
>
> *i) approving new residential, commercial, and industrial subdivisions only where there is a reasonable relationship between the supply and demand and where a full range of municipal infrastructure can be provided in an environmentally-sound, economical and timely manner;*
>
> Again there is no documentation indicating there is a lack of residential opportunities in this area that requires these lands to be developed. Further to this these lots would not be serviced by municipal sewer, water and land drainage as these core services can not be provided in an economically-sound manner.

iv) encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure;

Clearly this proposal to build a new street for potentially three new single family dwellings is contrary to this policy.

V) supporting new development which is adjacent to, and compatible with existing development and is designed to minimize the spatial use of land.

The adjacent development is agriculture and a City recreational use, there are a few 4-acre plus rural residential lots over 100 feet to the east and sporadic residential over 1000 feet to the west, (the latter being within a Neighbourhood policy designated area). This development proposal is neither adjacent to nor compatible with existing development and does not represent a minimizing of the spatial use of land.

Policy **3B-08 Regulate Land Uses in Rural Areas** calls for the preservation of Rural lands until such time as a demonstrated need allows the support of a redesignation to neighbourhood policy.

V) allowing possible subdivision or conversion of land in unserviced residential areas to new residential use giving priority to property having frontage on an existing improved right-of-way other than a highway and requiring the development to be consistent with prevailing densities;

As discussed above, the subject sites do not have frontage on an improved right-of-way and are not consistent with the prevailing rural residential densities to the east.

From a *Plan Winnipeg 2020* perspective the subject proposal and future development can not be supported.

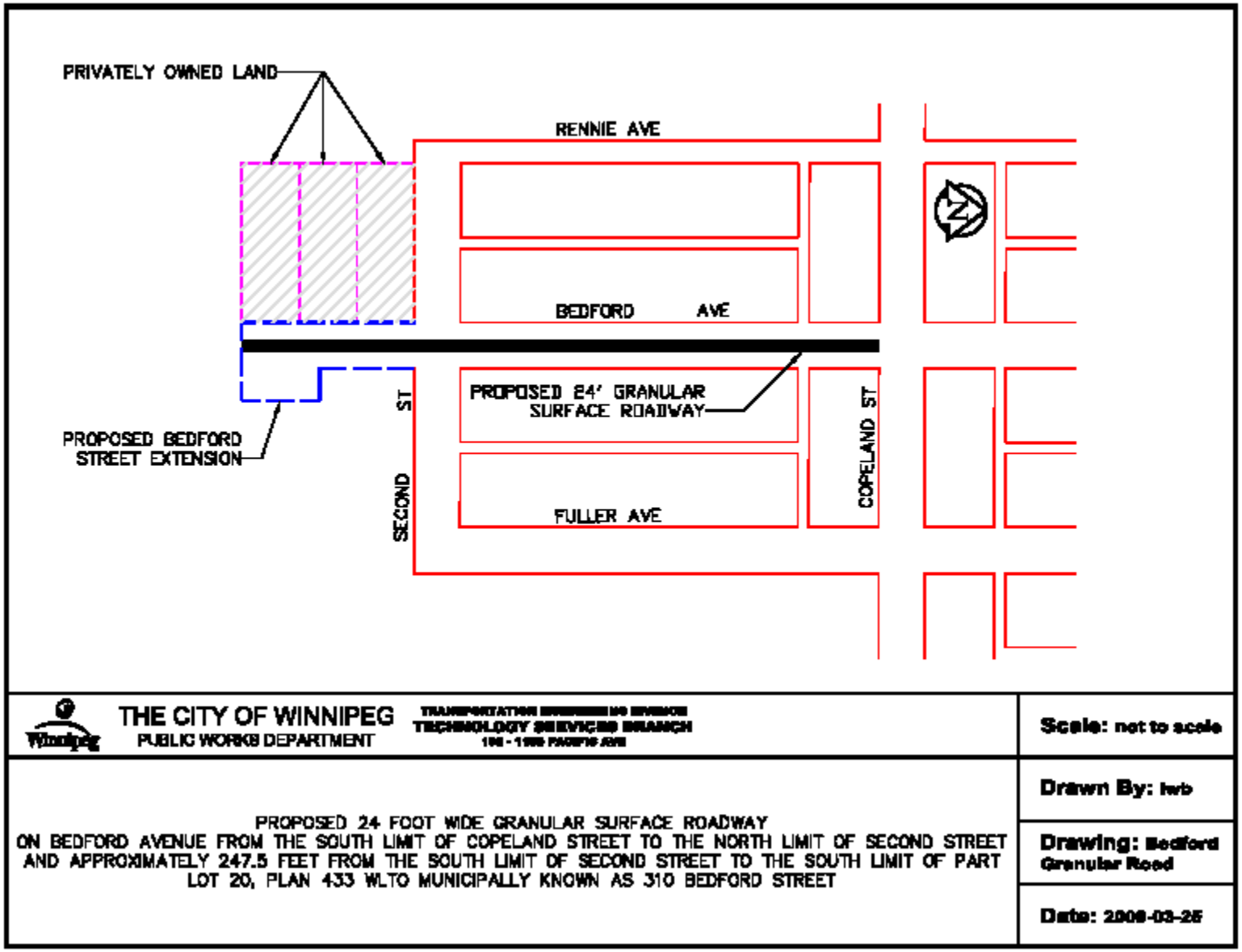
The Parks and Open Spaces Division of the Public Works Department does not approve the required dedication of the subject City property under their jurisdiction for a public street. Furthermore, the Parks and Open Spaces Division does not support the proposed residential development of land adjacent to the Buhler Recreation Park complex, citing potential long term conflicts relating to buffer issues between public/private property as well as unrestricted park access from the proposed new street.

The Real Estate Division of the Planning, Property and Development Department does not support this application since they would be required to assume the majority of the local improvement costs affecting land under their jurisdiction located on the east and west sides of Bedford Avenue between Copeland and Second Streets. These costs are outlined in the administrative comments that follow.

Administrative Comments

Mr. George Wladyka, Senior Local Improvement Clerk of the Administration and Finance Branch of the Assessment and Taxation Department has provided the following analysis and comment:

> I have received an *"Application for Local Improvements"* dated March 9, 2009 from Lloyd Ballard, Capital Estimates Technologist in the Public Works Department for a proposed 24 feet wide Granular Surface Roadway.
>
> Mr. Scott Lechman of 300 Bedford Avenue had made a request to the Public Works Department to initiate a *"Petition For"* to be prepared for this proposed local improvement.
>
> This project encompasses the area as depicted below:
>
> *24 feet wide on Bedford Avenue from the south limit of Copeland Street to the north limit of Second Street and approximately 247.5 feet from the south limit of Second Street to the south limit of part Lot 20, Plan 433 WLTO municipally known as 310 Bedford Street.*


PRIVATELY OWNED LAND
RENNIE AVE
BEDFORD AVE
PROPOSED 24' GRANULAR SURFACE ROADWAY
PROPOSED BEDFORD STREET EXTENSION
SECOND ST
COPELAND ST
FULLER AVE
THE CITY OF WINNIPEG
PUBLIC WORKS DEPARTMENT
TECHNOLOGY SERVICES BRANCH
Scale: not to scale
Drawn By: lwb
Drawing: Bedford Granular Road
Date: 2008-03-25
PROPOSED 24 FOOT WIDE GRANULAR SURFACE ROADWAY
ON BEDFORD AVENUE FROM THE SOUTH LIMIT OF COPELAND STREET TO THE NORTH LIMIT OF SECOND STREET
AND APPROXIMATELY 247.5 FEET FROM THE SOUTH LIMIT OF SECOND STREET TO THE SOUTH LIMIT OF PART
LOT 20, PLAN 433 WLTO MUNICIPALLY KNOWN AS 310 BEDFORD STREET

Also, the *"Application for Local Improvements"* does stipulate that preparatory work ***is required*** as depicted below:

Subject to the establishment and opening of a legal right-of-way (as depicted in the above drawing) for the Bedford Avenue extension south of Second Street to the south limit of 310 Bedford Avenue.

The estimated cost of this project is $119,000.00. The registered property owners affected by this proposed local improvements are as follows:

The City of Winnipeg (which holds the majority of the frontage); and

Three (3) privately-owned properties (which includes 300 Bedford Avenue – as depicted in the above drawing).

Thus, this *"Petition For"* request is completely ***contingent upon*** the approval of this Report by the East Kildonan-Transcona Community Committee for this proposed opening of a legal right-of-way for the Bedford Avenue extension.

Furthermore, in considering the opening which is required to facilitate a Granular Roadway Local Improvement, the East Kildonan-Transcona Community Committee must recognize that the privately held assessable frontage represents approximately 13% of the total frontage and therefore, ***the City would incur 87% of the total costs (approximately $105,000.00) of constructing the Local Improvement.*** The proposed opening should be approved only if the City is committed to the expenditure that will result in the Local Improvement being constructed.

The Transportation Engineering Division of the Public Works Department has provided the following comments and recommendations:

1.) Property to be legally opened as street right-of-way for the cul-de-sac turnaround is to have a minimum radius of 25.0m; if it is to be square in shape as illustrated on Misc. Plan No. 13537 it is to be a minimum of 50.0m by 50.0m.

2.) The applicant shall enter into a Servicing Agreement to, at no expense to the City, construct a granular roadway and cul-de-sac turnaround to the appropriate standards, with appropriate ditches within the proposed legal opening, along Bedford Avenue, south of Second Street.

3.) The Public Works Department cannot support the subject legal opening of Bedford Avenue south of Second Street unless Bedford Avenue from Copeland Street to Second Street is upgraded to appropriate standards, by the applicant, in conjunction with the construction of Bedford Avenue, south of Second Street as a result of the proposed legal opening.

Bedford Avenue from Copeland Street to Second Street currently exists as a substandard roadway with minimal drainage which the City of Winnipeg inherited from the former City of Transcona. The City is obligated to only perform minimal maintenance

(grading only) to granular roadways. As Bedford Avenue currently only serves one residence (a mobile home) the usage and maintenance requirements are very low. We were unable to determine how this trailer residence came to be established without a fronting improved right-of-way. Additional development will increase the usage and maintenance requirements. The existing Bedford Avenue roadway is unlikely to withstand the loading it would experience from the construction and delivery equipment that would be associated with construction of additional single family dwellings. Also of concern is drainage which is critical with respect to granular roads to ensure they maintain their structural integrity and load bearing capacity. To facilitate this street opening a granular road constructed with appropriate ditches would have to be constructed along Bedford Avenue, south of Copeland Street.

The normal method used for upgrading municipal services (such as an upgrade to a gravel road) within a right-of-way would be to obtain concurrence from landowners abutting the right-of-way to have the proposed improvement constructed through a local improvement and upon completion bearing its cost. In this case, it is highly unlikely that the landowners abutting Bedford Avenue would be agreeable to spending any monies improving Bedford Avenue unless the properties were prime for development or immediate sale. It is noted that the lands abutting Bedford Avenue are currently undeveloped and are expected to remain this way for some time as other potentially more attractive lots in south Transcona still await to be developed. Consequently, development of the Bedford Avenue lands at this time could be considered premature. Failing to obtain support from the land owners abutting Bedford Avenue to improve the roadway under the Local Improvement “petition for” process, the owner of 300 Bedford Avenue could enter into a Development/Servicing Agreement to construct the gravel road entirely at his own cost with proportionate cost recovery through the subdivision process when/if the abutting properties fronting Bedford Avenue subdivide and develop in the future.

The City should not support the principle of extracting payment through the Local Improvement Process or the Development Agreement process from lands fronting Bedford Avenue that are premature for development, without their full consent, regardless who the owner may be.

Therefore, the applicant shall enter into a Servicing Agreement to, at no expense to the City, construct a granular roadway to the appropriate standards, with appropriate ditches along Bedford Avenue, between Copeland Street and Second Street.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**x**	
Regulatory		**x**	
Environmental		**x**	
Human Resources		**x**	
Financial		**x**	
Legal (Contracts)		**x**	
Communications		**x**	
Council Priorities Direction		**x**	
Other, e.g. Organizational, community, etc. (Specify)		**x**	

FINANCIAL IMPACT

Financial Impact Statement **Date:** **April 27, 2009**

Project Name:

Proposed Opening of Bedford Avenue, South of Second Street

COMMENTS:

The recommendation contained in this report is that the proposed street opening under File DAO 2/2009 not be proceeded with.

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was:

Internal Consultation With and Concurrence By:

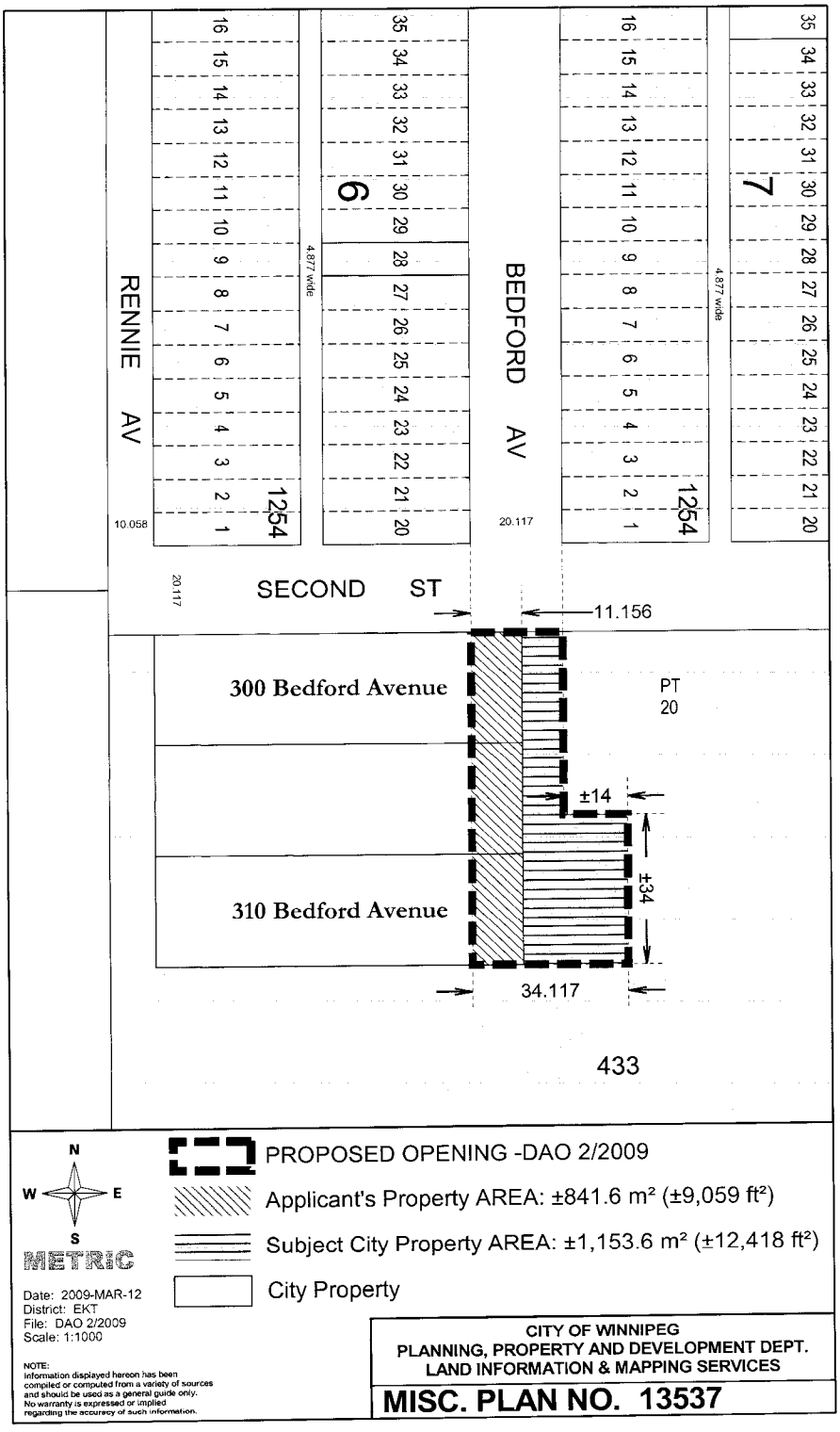
There was no internal consultation in the preparation of this report.

External Consultation With:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
File No.: 8506


RENNIE AV
BEDFORD AV
SECOND ST
4.877 wide
4.877 wide
10.058
20.117
20.117
1254
1254
6
7
11.156
300 Bedford Avenue
310 Bedford Avenue
PT
20
±14
±34
34.117
433
N
W
E
S
METRIC
Date: 2009-MAR-12
District: EKT
File: DAO 2/2009
Scale: 1:1000
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
PROPOSED OPENING -DAO 2/2009
Applicant's Property AREA: ±841.6 m² (±9,059 ft²)
Subject City Property AREA: ±1,153.6 m² (±12,418 ft²)
City Property
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13537