Minutes – Executive Policy Committee – July 11, 2012

REPORTS

Minute No. 328 Subdivision and Rezoning – East Side of Paddington Road, South of Fonseca Place
(St. Norbert Ward)
File DASZ 9/2012

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the plan of subdivision under File DASZ 9/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2012 dated June 25, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 9/2011 Phase 2 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 29, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 9/2012 dated June 25, 2012 to "R1-S" and "R1-M" Single Family Districts.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor 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 execution by the City of Winnipeg of the addendum to Development Agreement AG 9/2011 Phase 2.

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 one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Deputy Mayor Swandel,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – East Side of Paddington Road, South of Fonseca Place**
File DASZ 9/2012

For submission to: **Executive Policy Committee**

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

Report date: **July 10, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 9/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2012 dated June 25, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 9/2011 Phase 2 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 29, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 9/2012 dated June 25, 2012 to "R1-S" and "R1-M" Single Family Districts.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor 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 execution by the City of Winnipeg of the addendum to Development Agreement AG 9/2011 Phase 2.

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 one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

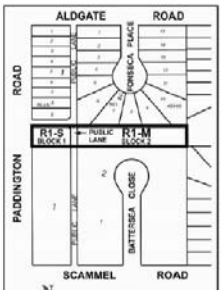
10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reason 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 June 25, 2012.

PUBLIC HEARING SUMMARY

File:	DASZ 9/2012
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Mayes Councillor Vandal
Public Hearing:	July 9, 2012 Council Chamber Council Building, 510 Main Street
Applicant:	River Park South Developments Inc. (Qualico Community/Jeff Pratte)
Subject:	



APPLICANT : RIVER PARK SOUTH DEVELOPMENTS INC.
FILE : DASZ 9/12
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 "PR1" PARKS AND RECREATION DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT for the creation of blocks and a public lane for future development. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : RIVER PARK SOUTH DEVELOPMENTS INC.
N° DE RÉFÉRENCE : DALZ 9/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) à la catégorie R1-S (SECTEUR DE PETITES HABITATIONS UNIAMILIALES) et à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) en vue de la création de quartiers et d'une voie publique pour aménagement à venir. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected:	Public Reserve – Paddington Road south of Fonseca Place
Exhibits Filed:	1. Application dated May 10, 2012 2. Notification of Public Hearing dated May 24, 2012 3. Manitoba Status of Title 2058978/1 4. Plans (3 pages) 5. Report from the Planning and Land Use Division dated June 25, 2012 6. Inspection Report 7. Audio recording of Representations

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 9/2012

ADMINISTRATIVE REPORT

Title: DASZ 9/2012 – East Side of Paddington Road, South of Fonseca Place Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone the site from PR1 to R1-S and R1-M in order to facilitate future detached residential home development.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2012 dated June 25, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an addendum to Development Agreement AG 9/2011 Phase 2 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 29, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 9/2012 dated June 25, 2012 to "R1-S" and "R1-M" Single Family Districts.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor 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 execution by the City of Winnipeg of the addendum to Development Agreement AG 9/2011 Phase 2.

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 one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to: subdivide the site into two blocks; create an opening for a public lane between the blocks; and, rezone the land from PR1 to R1-S (the westernmost block) and R1-M (the easternmost block).
- Subdivision and rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into two blocks divided by a public lane and the blocks will be rezoned to R1-S and R1-M as proposed.

HISTORY

DASZ 9/2011 (By-Law 89/2011)

- On June 22, 2011, Council approved the subdivision and rezoning of approximately 138 acres of land north of the Perimeter Highway in between St. Mary's Road and St. Anne's Road.
- In conjunction with this application, the Public Service recommended that the subject property, zoned PR1, be declared surplus to Parks requirements. Further, the Public Service recommended that the Director of Planning, Property and Development be authorized to negotiate and approve the transfer the land shown on Miscellaneous Plan No. 14022 (the subject site), to River Park South Developments Inc. on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services. Council approved both of these conditions with the approval of DASZ 9/2011.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	June 25, 2012
File No.	DASZ 9/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 9/2012 Riel Community Committee, dated June 25, 2012.
3. Schedule "B" — Report of the Administrative Coordinating Group

APPENDIX 'A'

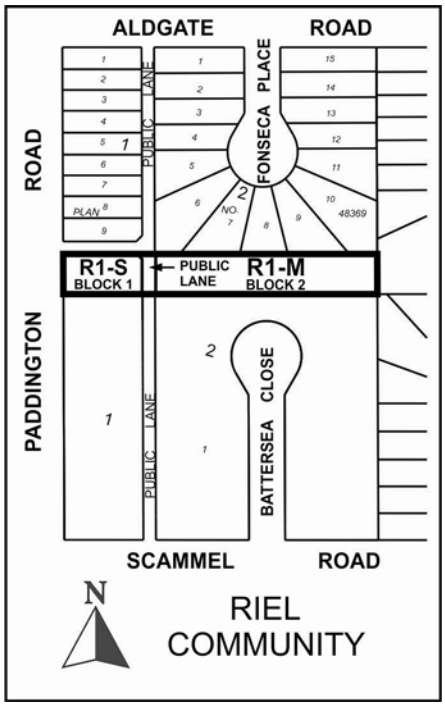
DATE: June 25, 2012

FILE: DASZ 9/2012
RELATED FILES: DASSF 562/12, DASZ 9/2011, DAZ 229/2011

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.530

SUBJECT: To subdivide the land into two blocks separated by a public lane and rezone the land from "PR1" Parks and Recreation 1 to "R1-S" Residential Single-Family Small and "R1-M" Residential Single-Family Medium.

LOCATION: East of Paddington Road, South of Aldgate Drive
LEGAL DESCRIPTION: Public Reserve Parcel B Plan 43351



APPLICANT: River Park South Developments Inc. (Jeff Pratte)
1 David Friesen Drive
Winnipeg MB R3X 0G8

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to: subdivide the site into two blocks; create an opening for a public lane between the blocks; and, rezone the land from PR1 to R1-S (the westernmost block) and R1-M (the easternmost block).
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the east side of Paddington Road, south of Aldgate Drive in the River Park South neighbourhood of the St. Norbert Ward.
- The site is vacant and approximately **32,460 square feet in area.**
- The site is owned by the City of Winnipeg. The City has given a letter of permission to the applicant to make an application for the site.
- The site is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned “PR1” Parks and Recreation (Neighbourhood) 1.



Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached homes zoned R1-M.

South: Land currently zoned RR5, but to be rezoned to R1-M and developed into detached homes as per DASZ 9/2011.

East: Detached homes zoned R1-M.

West: Paddington Road and detached single-family homes zoned R1-M.

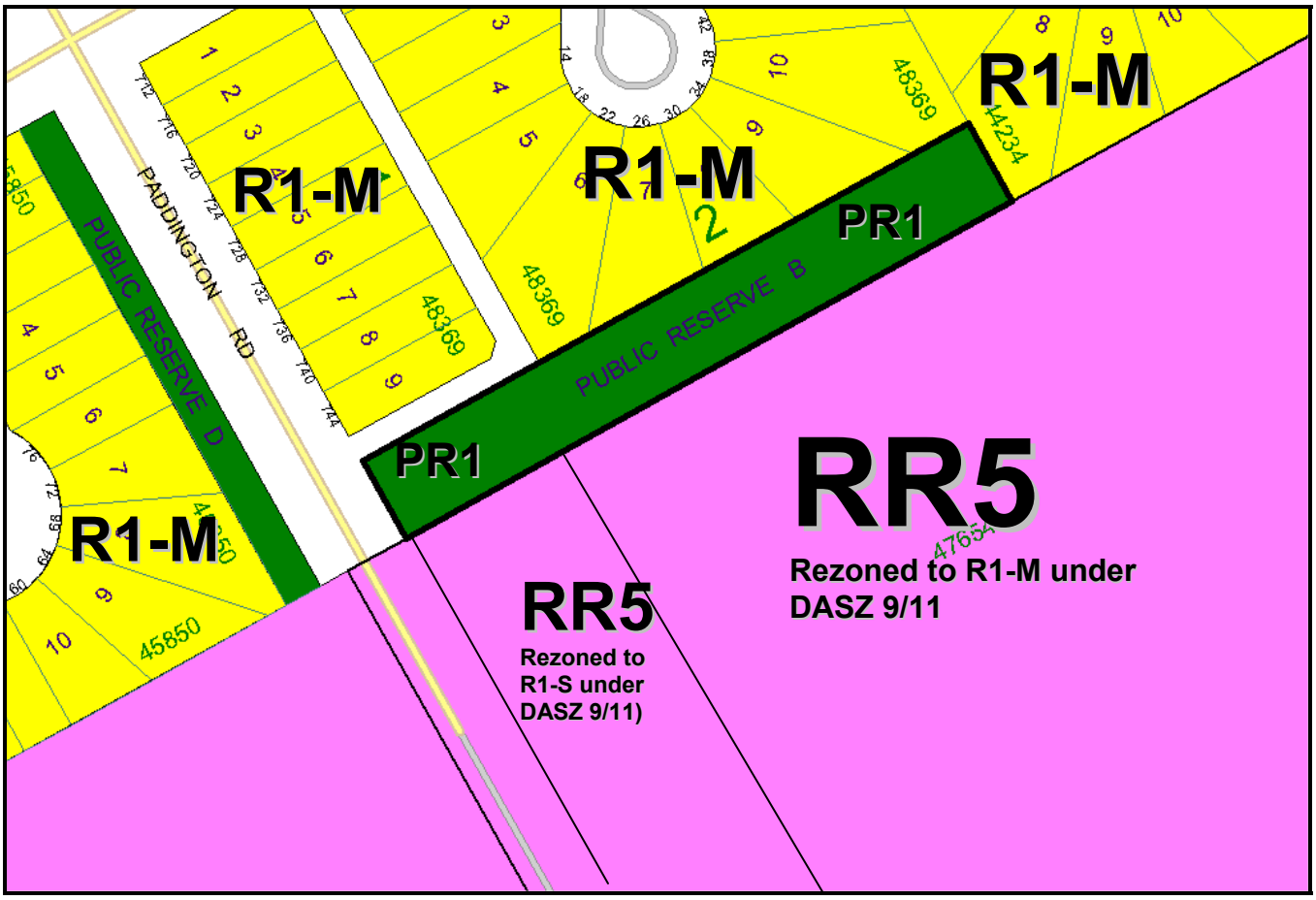


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to: subdivide the site into two blocks; create an opening for a public lane between the blocks; and, rezone the land from PR1 to R1-S (the westernmost block) and R1-M (the easternmost block).
- The land being rezoned to R1-S and R1-M will be used to create residential lots and parts of residential lots that have been included in the related short-form subdivision application DASSF 562/12.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.

ZONING

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"R1-S" Residential Single-Family Small District

- The R1-S district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- The PR1 zoning district is intended for passive neighbourhood and community parks. The applicant is proposing to rezone the site to R1-S and R1-M to use the proposed blocks for future single-family lot development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- As explained in the History Section, the subject site was declared surplus in conjunction with Council's approval of DASZ 9/2011. The Planner's Report for DASZ 9/2011 explained the history of this park and why the Public Service did not require the park land in conjunction with the proposed development for DASZ 9/2011:

- *Under DASZ 6/02, a small parcel of park land (part of the subject site) was created based on an initial Development Master Plan that proposed a school and a larger adjacent park space.*
- *When the School Division determined it no longer needed the school parcel, the land was subdivided for residential lots, leaving a small strip of PR1 zoned land (which forms the subject property – also see DAS 5/08).*
- *It was anticipated, at that time, that there would be no need for this additional park space without the presence of the school and that the remnant parcel would be incorporated into a residential block in the subject application adjacent and to the south.*
- *To facilitate the developer proceeding with that plan, the City is proposing to declare the lands identified on Miscellaneous Plan No. 14022 (the subject site) as surplus to Parks requirements.*
- *A public hearing for the rezoning and subdivision will be required if these lands are to be included for residential development.*

- The applicant has now come forward with an application that is consistent with what was contemplated and desired by the Public Service and Council for the subject property under DASZ 9/11.
- The blocks are being used to help create single-family zoned residential lots (see DASSF 562/12) in an area surrounded by detached residential homes. All of these lots will have frontage on a public street as per DASSF 562/12.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Requirements for land dedication are included in condition 3 of the Report of the Administrative Coordinating Group, which is Schedule "B" of this report.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The applicant is proposing a block development that is consistent with what was contemplated and desired by the Public Service and Council for the subject property under DASZ 9/11.
- The blocks are being used to help create single-family zoned residential lots through DASSF 562/12 in an area surrounded by detached residential homes.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 9/2012

Schedule "A" for File No. DASZ 9/2012, Riel Community Committee, dated June 25, 2012

By-Law No. _____

File No. **DASZ 9/12**

Atlas Sheet No.

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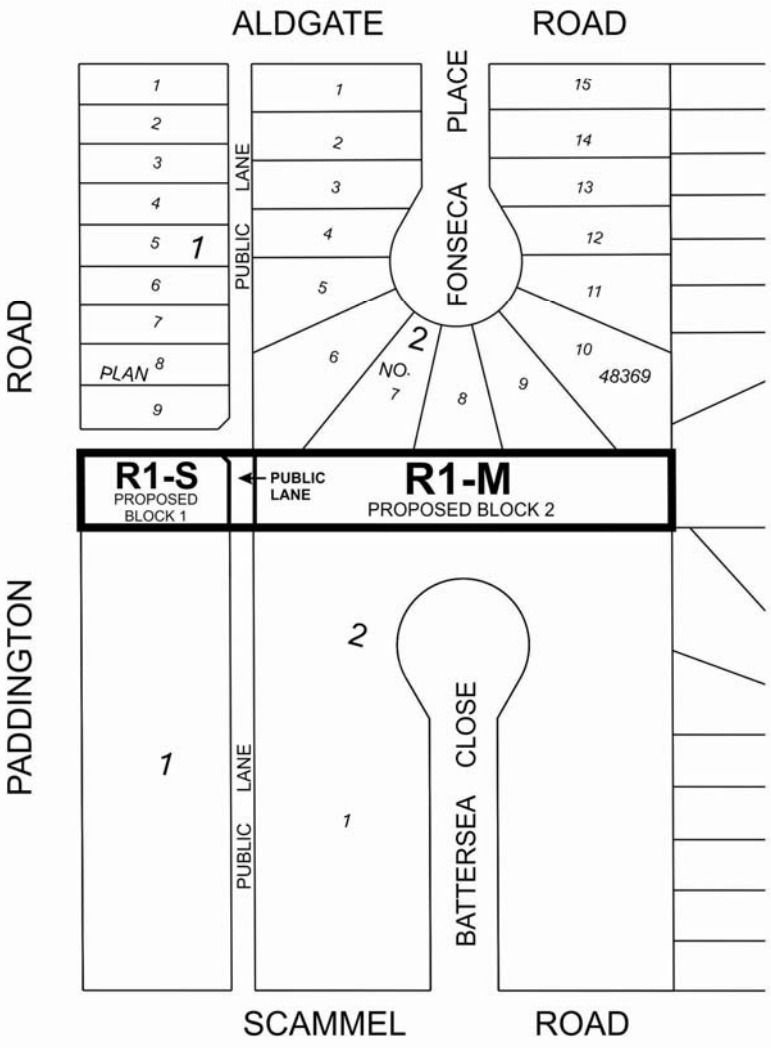
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on Public Reserve lands on Paddington Road, south of Fonseca Place from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT for the creation of blocks and a public lane for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 29, 2012

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED SOUTH OF FONSECA PLACE AND EAST OF PADDINGTON ROAD - DASZ 9/2012

It is recommended that the approval of DASZ 9/2012, if granted, be subject to the applicant entering into an addendum to Development Agreement AG 9/2011 Phase 2 as follows:

1. By adding to AG 9/2011 Phase 2 the Plan of Subdivision approved under DASZ 9/2012.

2. By adding to AG 9/2011 Phase 2 the conceptual servicing drawing and lot grading plan for the land covered under DASZ 9/2012.

3. By amending the Public Reserve Dedication Clause in AG 9/2011 Phase 2 to include the land covered under DASZ 9/2012.

4. By adding to AG 9/2011 the requirement that the developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the new addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 9/2012
June 29, 2012

"original signed by K.T. Raban"
K.T. Raban, P. Eng.
Land Development Branch

R.J. Hartmann, P. Eng.
Public Works Department, Transportation Division

F.C. Mazur, P. Eng.
Water & Waste Department

D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch