Minute No. 245
Report – Executive Policy Committee – February 5, 2014

Item No. 3 **Subdivision and Rezoning – 875 Camiel Sys Street (St Boniface Ward) File DASZ 36/2013**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 36/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 36/2013 dated January 6, 2014 with such minor changes as may be required, and for 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 "B" for File DASZ 36/2013 dated January 6, 2014 to a "PR1" Parks and Recreation (Neighbourhood) 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 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 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.

Report – Executive Policy Committee – February 5, 2014

COUNCIL DECISION (continued):

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.

Report – Executive Policy Committee – February 5, 2014

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 5, 2014, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2014, 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.

On November 4, 2013, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on January 13, 2014, at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 875 Camiel Sys Street**
File DASZ 36/2013

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **January 16, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That, the plan of subdivision proposed under File DASZ 36/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 36/2013 dated January 6, 2014 with such minor changes as may be required, and for 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 "B" for File DASZ 36/2013 dated January 6, 2014 to a "PR1" Parks and Recreation (Neighbourhood) 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 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 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 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 January 6, 2014.

PUBLIC HEARING SUMMARY

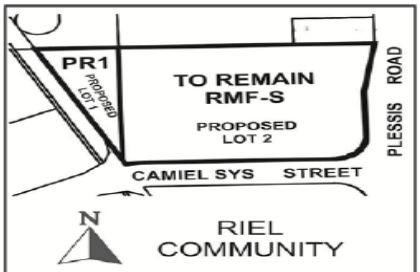
File: DASZ 36/2013

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: January 13, 2014
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



APPLICANT : J. WINTRUP CONSULTING LTD.
FILE : DASZ 36/13
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 an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to facilitate the transfer of land to the City of Winnipeg for park and public walkway purposes. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : J. WINTRUP CONSULTING LTD.
N° DE RÉFÉRENCE : DALZ 36/13
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus, qui passeraient des catégories RMF-S (Secteur de petites habitations multifamiliales) à la catégorie PR1 (Secteur des parcs et des loisirs 1 [Quartier]), en vue de faciliter le transfert du bien-fonds à la Ville de Winnipeg et d'y aménager un parc et une voie piétonne publique. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 875 Camiel Sys Street

Exhibits Filed:

1. Application dated September 9, 2013
2. Notification of Public Hearing dated September 26, 2013
3. Manitoba Status of Title 2499574/1
4. Letter of authorization dated May 16, 2013, from Kris Mailman, Development Manager, 5955867 Manitoba Ltd. to Waterside Development Ltd.
5. Letter of authorization dated June 13, 2013, from Bill McGarry, Waterside Development Ltd. to John Wintrup
6. Caveat No. 3952100 dated July 12, 2010
7. Surveyor's Building Location Certificate and sketch dated January 10, 2012
8. Plans (2 pages)
9. Report from the Urban Planning Division dated October 28, 2013
10. Inspection Report
11. Notice of adjournment dated November 5, 2013
12. Final Report from the Urban Planning Division dated January 6, 2014
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "12" referred to in File DASZ 36/2013

ADMINISTRATIVE REPORT

Title: DASZ 36/2013 – 875 Camiel Sys Street Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the site into two lots and rezone Proposed Lot 1 from RMF-S to PR1.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That, the plan of subdivision proposed under File DASZ 36/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 36/2013 dated January 6, 2014 with such minor changes as may be required, and for 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 "B" for File DASZ 36/2013 dated January 6, 2014 to a "PR1" Parks and Recreation (Neighbourhood) 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 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 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 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 lot into two lots and rezone Proposed Lot 1 from RMF-S to PR1. Proposed Lot 1 is to then be transferred to the City of Winnipeg for parks purposes.
- It should be noted that the Public Service is recommending that Schedule "B" be accepted as the subdivision and rezoning application. The only change within Schedule "B" is that "Proposed Lot 1" has been eliminated from the PR1 land and the RMF-S lot will now be called "Proposed Lot 1". The reason for this adjustment is to clarify that the land being rezoned to PR1 is intended to be Public Reserve, which would be transferred to the City.
- Subdivisions and rezonings 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 file will be subdivided and rezoned as shown in Schedule B of this report.

HISTORY

DASZ 20/2008, DASZ 33/2008, & DASZ18/2012

- On October 10, 2008, Waterside Development Corporation made concurrent rezoning applications (DASZ 20/08, DASZ 33/08) as the first two phases to permit the establishment of a residential/commercial development of the triangular area of City lands south of Dugald, north of Camiel Sys Street and west of Plessis Road.
- The subject site was included under DASZ 20/2008 and rezoned to RMF-S under that application.
- On October 24, 2012, Council recommended approval of DASZ 18/2012, which rezoned the site immediately north of the subject property to RMF-S and PR1. The Public Service had raised concerns about the park connectivity within that application. Through discussions with the developer for DASZ 18/2012 and the owner of the subject property within this application (i.e. DASZ 36/2013), the Public Service identified steps that would need to be taken by the developer to help ensure adequate park connectivity from the lands included in DASZ 18/2012 through to Camiel Sys Street.
- The most plausible approach was to negotiate access along the undevelopable gas line extending south through the neighbouring private property (i.e. land included within the subject application). The owner of the property included within the subject application indicated a willingness to do so by donating land in exchange for a tax receipt. However, several steps needed to occur including the applicant and developer providing an appraisal for the land to the south in order for that neighbouring property owner to better understand potential benefits of the donation. Work towards concluding the actions necessary and satisfactory to the Public Service in order to ensure that the PR linkage to Camiel Sys Street was undertaken. The subject application has been submitted to help conclude that work.

DASZ 36/2013 – Riel Community Committee – Adjournment, November 4, 2013

- As recommended by the Public Service, the Riel Community Committee adjourned the subject application to the January 13, 2014 Riel Public Meeting.
- The following background information was provided in the Administrative Report with respect to the reason why the Public Service was recommending adjournment.

    1. The applicant is proposing to subdivide the lot into two lots and rezone Proposed Lot 1 from RMF-S to PR1. Proposed Lot 1 is to then be transferred to the City of Winnipeg for parks purposes.
    2. The current owner of Proposed Lot 1 would be willing to transfer that Lot to the City of Winnipeg if Council were to accept the land as a charitable donation. A corresponding report regarding the charitable donation needs to be reviewed and accepted by Council. This report would first be submitted to the Standing Policy Committee on Property and Development, would then travel to Executive Policy Committee and then Council.
    3. At the time the Public Service signed-off on the subject DASZ application for the November 4, 2013 Riel Community Committee Hearing, the Public Service understood that the required steps for the associated charitable donation report for Proposed Lot 1 were concluded and the Public Service was prepared to move a charitable donation report forward to the Standing Policy Committee on Property and Development. However, after the Public Service signed-off on the Public Hearing date for DASZ 36/2013, the owner raised concerns about the

original appraisal, which would determine the value of Proposed Lot 1 as the charitable donation amount, and wanted a new appraisal reviewed by the Public Service. The owner last communicated that this new appraisal would be ready for the Public Service to review by October 30, 2013.

4. The Public Service believes that the charitable donation report should first be dealt with before the DASZ is heard. The earliest that the Standing Policy Committee on Property and Development can now review a report regarding the charitable donation is December 3rd, 2013. This means that the earliest Council could make a recommendation on the charitable donation report is December 11th. The next Riel Community Hearing is December 2, 2013.
5. The owner requires the City's acceptance of the land as a donation for the DASZ application. As such, the Public Service recommended adjournment for the subject DASZ application to the January 13, 2014 Riel Community Committee Hearing. This adjournment allows for the potential of the associated charitable donation report to be reviewed, at minimum, by that the Standing Policy Committee on Property and Development and potentially Council before the January 13, 2014 Riel Community Committee Hearing.

- Through November 2013, the Public Service worked with the land owner to come to a conclusion on the appraised value of the land included in the subject report. However, this conclusion was not reached in time for the Public Service to submit a report on the charitable donation for 875 Camiel Sys Street for the December 3, 2013 Standing Policy Committee on Property and Development.
- A report has been submitted by the Public Service entitled: "To Seek Council Approval to Accept a Land Donation – Portion of 875 Camiel Sys Street between De Baets Street and Plessis Road". This report is to be reviewed at the January 14, 2014 Standing Policy Committee on Property and Development meeting, one day later than the Riel Community Committee Public Hearing.
- As the owner and Public Service have reached an agreement on the charitable donation report that will be reviewed a day after the subject DASZ, the Public Service is now comfortable with advancing the subject DASZ.
- As per recommended conditions 6 and 7 of this DASZ, the subdivision needs to be registered in the Winnipeg Land Titles Office (WLTO) for the subdivision and rezoning to come into force and effect. The owner will not likely sign-off on the required mylars for the subdivision and rezoning without the charitable donation being accepted by Council. If the plans are not registered in the WLTO, then this DASZ will not be proceeded with unless an extension is accepted by Council as per recommended condition 4 of this DASZ.

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:	January 6, 2014
File No.	DASZ 36/2013

List of Schedules and Attachments

1.	Appendix A	Planning Discussion
2.	Schedule “A”	Advertised Subdivision and Rezoning for DASZ 36/2013
3.	Schedule “B”	File No. DASZ 36/2013 Riel Community Committee, dated January 6, 2014

APPENDIX 'A'

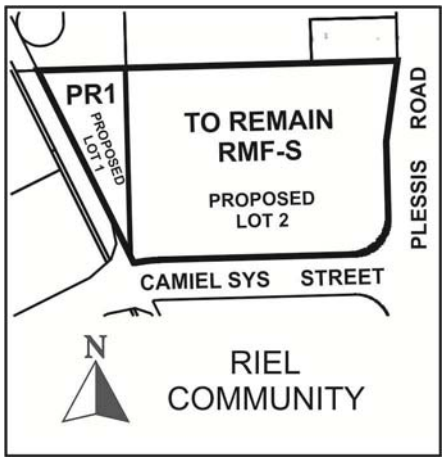
DATE: January 6, 2014

FILE: DASZ 36/2013
RELATED FILES: DASZ 18/2012

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.537

SUBJECT: An application to subdivide the site into two lots and rezone Proposed Lot 1 from RMF-S to PR1. The PR1 lot will be transferred to the City of Winnipeg for parks purposes.

LOCATION: 875 Camiel Sys Street
LEGAL DESCRIPTION: Lot 1 Plan 50238



APPLICANT: John Wintrup – John Wintrup Consulting Ltd.
301-139 Roslyn Road
Winnipeg MB, R3L 0G7

OWNER: 5955867 Manitoba Ltd
920 Alder Street
Campbell River BC V9W 2P8

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located near the northwest corner of the Camiel Sys Street/Plessis Road intersection in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward.
- The property is triangular in shape and approximately **1.19 acres in area**. A small playground has been developed on the property consistent with the site plans submitted for DASZ 20/2008.
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "RMF-S" Residential Multi-Family Small.



Figure 1: Aerial photograph of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A vacant site recently rezoned to RMF-S and PR1 under DASZ 18/2012.

South: Camiel Sys Street abd vacant land zoned RR5.

East: A townhouse development zoned RMF-S.

West: Park land and manufacturing developments zoned M2.

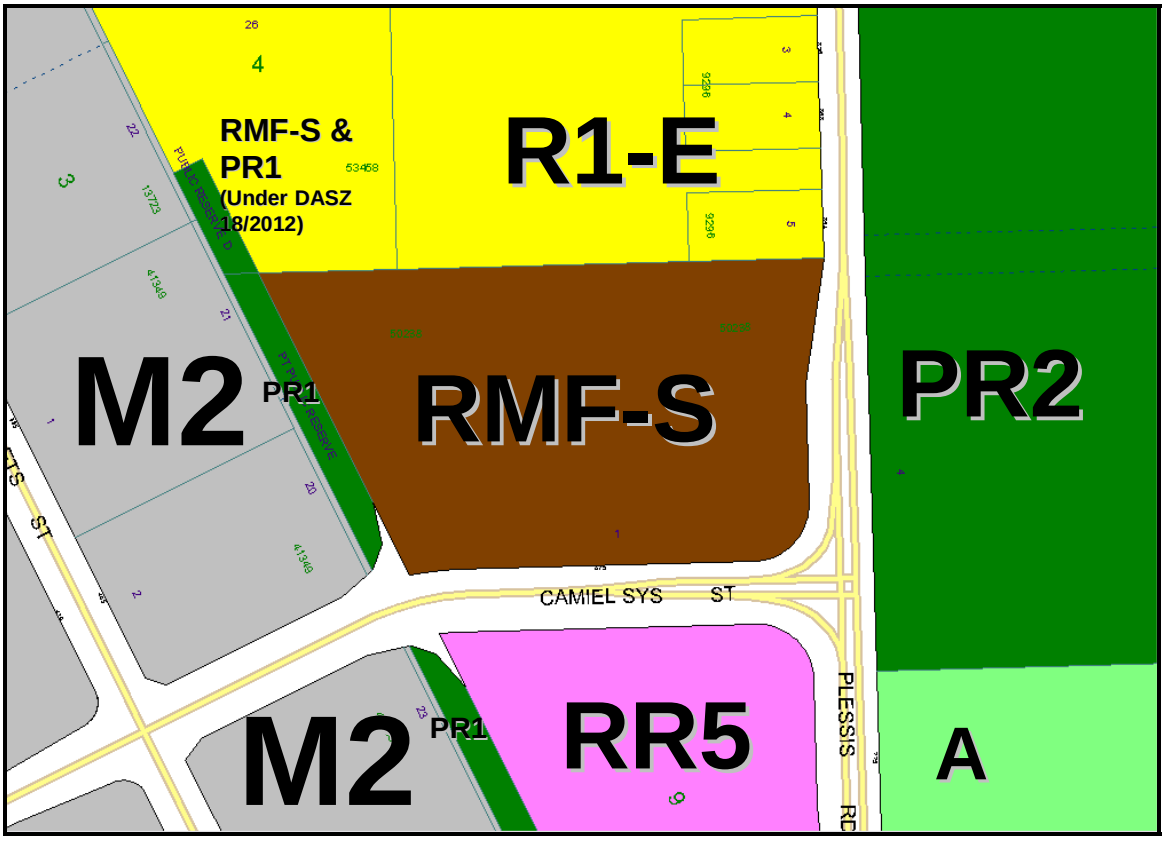


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- As briefly discussed in the History section of this report, Proposed Lot 1 of the subject site is being rezoned to PR1 in order to create a park connection from Camiel Sys Street to Shady Shores Drive West.
- The PR1 land will be turned over to the City of Winnipeg for parks purposes.
- An associated report will require Council approval for the City of Winnipeg to accept the PR1 zoned land as a charitable donation.

ZONING

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

"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.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject application has been anticipated by the Public Service for some time in order to create a north/south park connection between Shady Shores Drive West and Camiel Sys Street.
- The Public Service has worked with both the owners of the property to the north and the subject property to see the subject application come to fruition. This application and the associated report required for a charitable donation (if accepted by Council) will ultimately conclude the steps necessary to create the park linkage between Shady Shores Drive West and Camiel Sys Street.
- It should be noted that the Public Service is recommending that Schedule "B" be accepted as the subdivision and rezoning application. The only change within Schedule "B" is that "Proposed Lot 1" has been eliminated from the PR1 land and the RMF-S lot will now be called "Proposed Lot 1". The reason for this adjustment is to clarify that the land being rezoned to PR1 is intended to be Public Reserve, which would be transferred to the City.

RECOMMENDATION

The Urban Planning Division recommends that **approval** for the following reason:

- Through the subject application and the associated report required for a charitable donation (if accepted by Council), the City will gain the park connection between Shady Shores Drive West and Camiel Sys Street that the Public Service deemed as adequate.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 36/2013

Schedule "A" Advertised Subdivision and Rezoning for DASZ 36/2013

By-Law No. _____

File No. **DASZ 36/13**

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 at 875 Camiel Sys Street from an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to facilitate the transfer of land to the City of Winnipeg for park and public walkway purposes as shown outlined below.

Atlas Sheet No.

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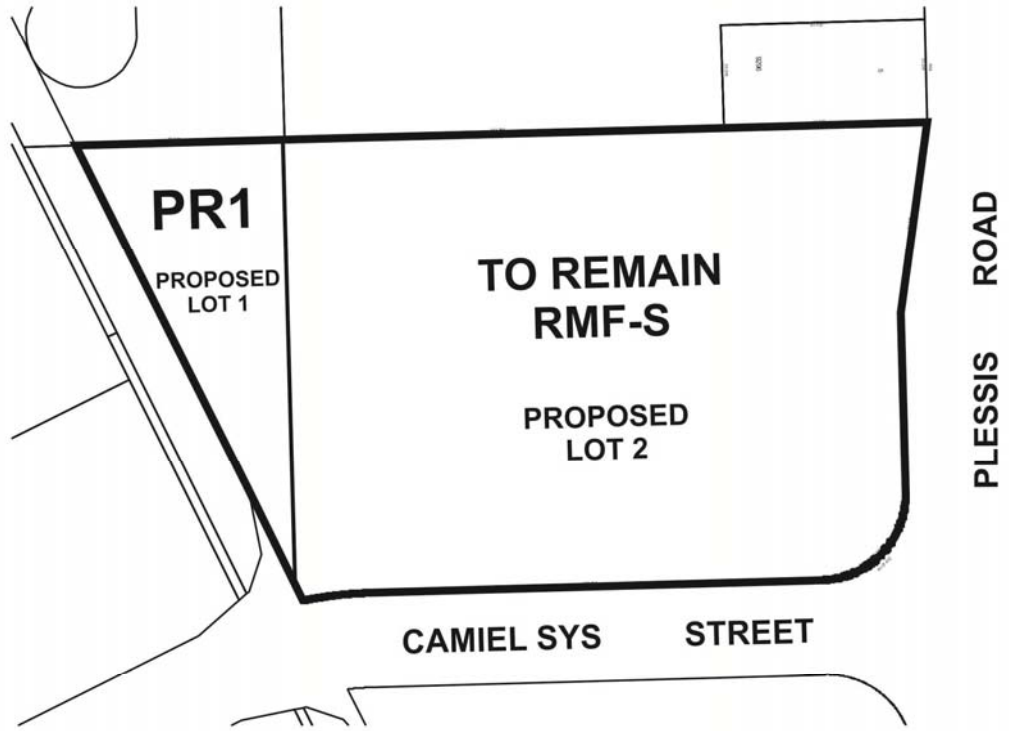
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 36/2013, Riel Community Committee, dated January 6, 2014

By-Law No. _____

File No. **DASZ 36/13**

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 at 875 Camiel Sys Street from an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to facilitate the transfer of land to the City of Winnipeg for park and public walkway purposes as shown outlined below.

Atlas Sheet No.

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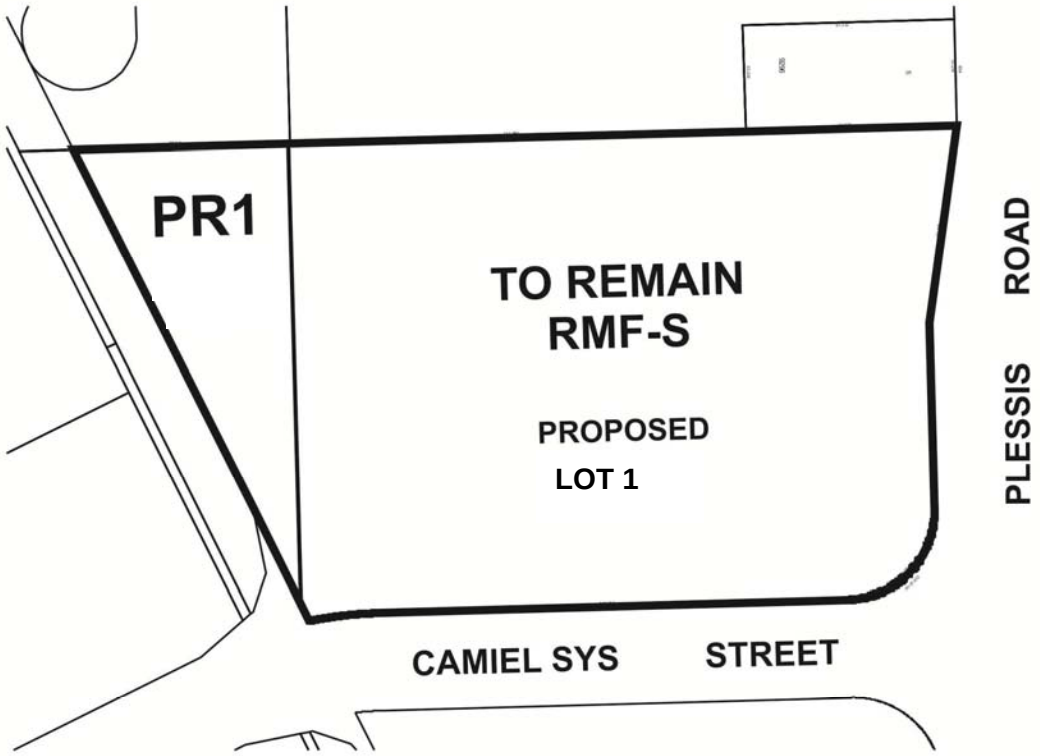
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____