Agenda – Council – February 25, 2015

Report - Executive Policy Committee – February 4, 2015

Item No. 1 Subdivision and Rezoning – 15-35 Minerva Road
(St. Norbert Ward)
File DASZ 33/2014

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 4, 2015, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 33/2014 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2014 dated January 12, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 33/2014 dated January 12, 2015 to a "PR1" Parks and Recreation 1 (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 Survey 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 4, 2015

8. That, the plan of survey 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 4, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 4, 2015, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 19, 2015, 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 - 15-35 Minerva Road**
File DASZ 33/2014

For submission to: **Executive Policy Committee**

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

Report date: **January 21, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 19, 2015, 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 33/2014 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2014 dated January 12, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 33/2014 dated January 12, 2015 to a "PR1" Parks and Recreation 1 (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.

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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 survey 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.

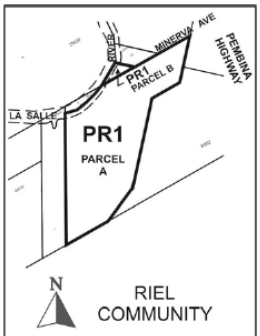
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Ecological Gift program is a very good program.

PUBLIC HEARING SUMMARY

File:	DASZ 33/2014
Before:	Riel Community Committee Councillor Allard, Chairperson Councillor Lukes Councillor Mayes
Public Hearing:	January 19, 2015 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)

Subject:



APPLICANT: CITY OF WINNIPEG, PLANNING, PROPERTY & DEVELOPMENT DEPARTMENT
FILE : DASZ 33/14
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 "A" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the consolidation of lands for parks purposes. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : CITY OF WINNIPEG, PLANNING, PROPERTY & DEVELOPMENT DEPARTMENT
N° DE RÉFÉRENCE : DALZ 33/14
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A (secteur agricole) à la catégorie PR1 (secteur des parcs et des loisirs 1 [Quartier]) en vue de faciliter la consolidation de biens-fonds à usage de parc. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 15-35 Minerva Road

Exhibits Filed:

1. Application dated November 8, 2014
2. Notification of Public Hearing dated November 26, 2014
3. Caveats 1812692 and 3501230
4. Affidavit of Executive No. C 66473 and 150851
5. Plans (2 pages)
6. Report from the Urban Planning Division dated January 12, 2014
7. Inspection Report

REPRESENTATIONS:

In Support:

Ken Yerex

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 33/2014

ADMINISTRATIVE REPORT

Title: DASZ 33/2014 – 15-35 Minerva Avenue Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone land donated to the City of Winnipeg 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 33/2014 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2014 dated January 12, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 33/2014 dated January 12, 2015 to a "PR1" Parks and Recreation 1 (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 Survey 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 survey 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 City is initiating the subdivision of the site into two parcels and rezoning the land from "A" Agricultural to "PR1" Parks and Recreation as part of the terms required for the charitable donation.
- 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 site will be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

Council Minutes – July 27, 2005: The City's Acceptance of an Ecological Gift of Natural Lands along the LaSalle River

- On July, 27, 2005, Council accepted a donation of natural lands at 15, 25, 35 Minerva Avenue for the purpose of parks and open space from Trans Canada Pipelines Ltd. under the Federal Ecological Gift Program, subject to the terms and conditions satisfactory to the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services.

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 12, 2015
File No.	DASZ 33/2014

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 33/2014 Riel Community Committee, dated January 12, 2015

APPENDIX 'A'

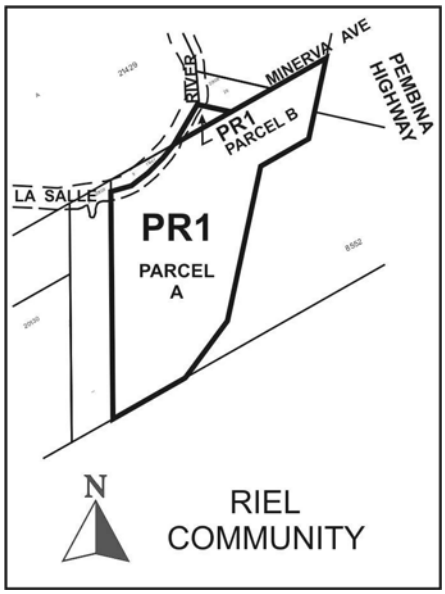
DATE: January 12, 2015

FILE: DASZ 33/2014
RELATED FILES: n/a

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.674

SUBJECT: An application to subdivide and rezone land from "A" Agricultural to "PR-1" Parks and Recreation 1 for parks purposes.

LOCATION: 15, 25, and 35 Minerva Avenue (see map below)
LEGAL DESCRIPTION: Lots 1-8 & 10 Plan 11947



APPLICANT: City of Winnipeg Planning, Property and Development Department
(Don Bourgeois)
2nd Floor 65 Garry St
WINNIPEG MB R3C 4K4

OWNER: City of Winnipeg

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located between the City of Winnipeg southern boundary and the LaSalle River in the La Barriere neighbourhood of the St. Norbert Ward.
- The site is undeveloped and approximately **19 acres in area.**
- The property is located within the Rural and Agricultural area under OurWinnipeg. The site is also designated as Major Open Space (City Owned) under the Complete Communities Direction Strategy and is zoned “A” Agricultural.

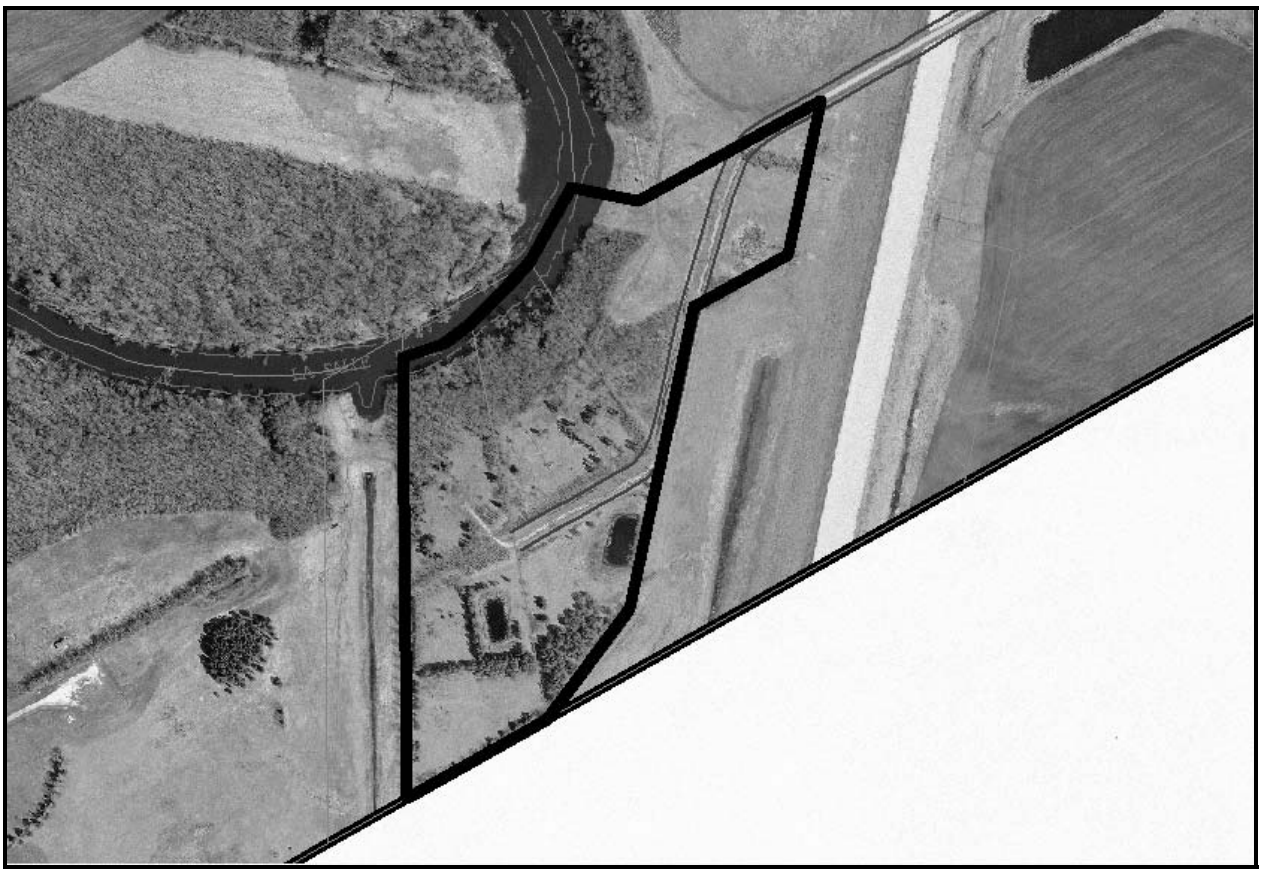


Figure 1: Aerial photograph showing approximate area of the subject site (2014)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: The LaSalle River.

South: The City of Winnipeg southern boundary.

East: Land owned by the Province as part of the flood control system.

West: Land owned by the Province as part of the flood control system.

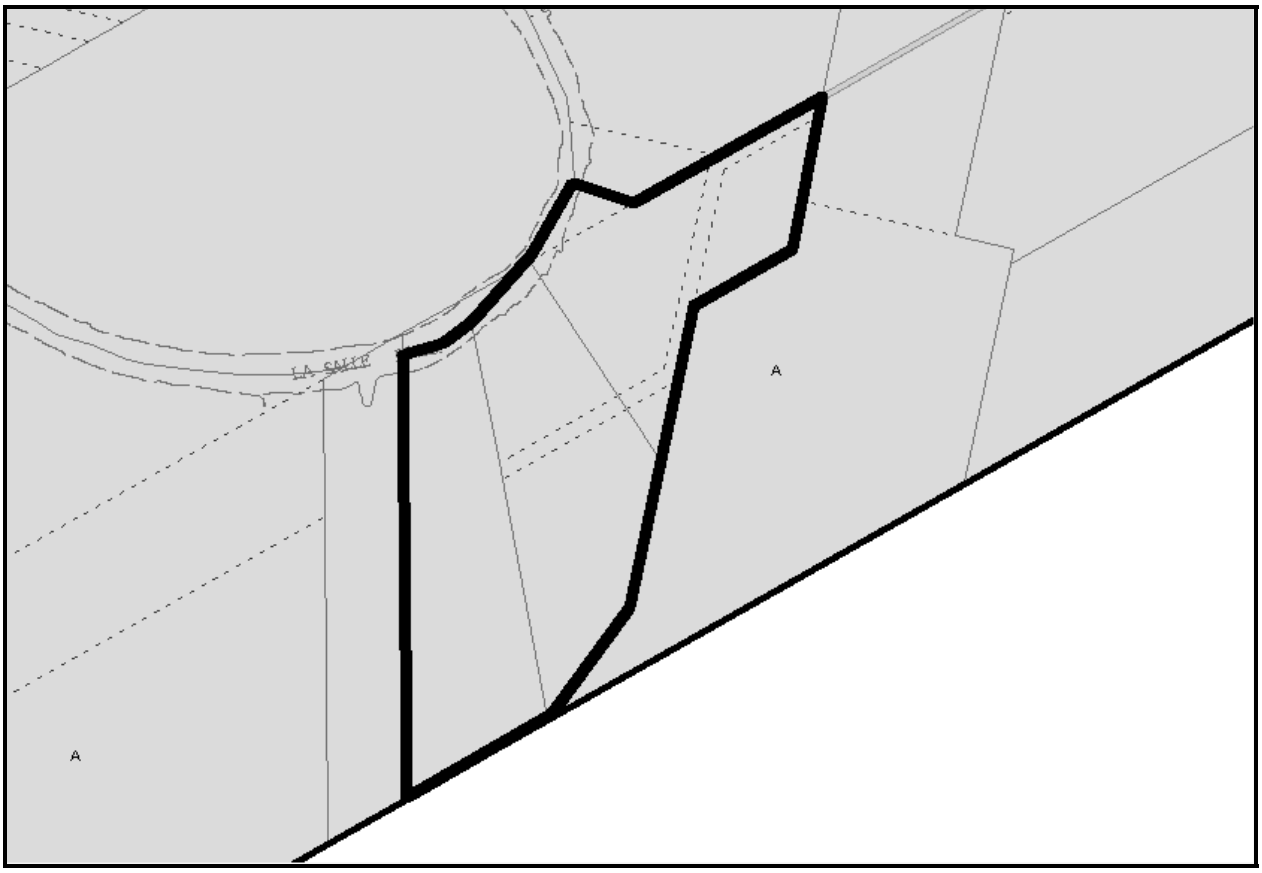


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- As previously discussed in the History Section, the subject site was gifted to the City of Winnipeg to the City as a charitable donation from Trans-Canada Pipelines Ltd under the Federal Ecological Gift Program.
- The City is initiating the subdivision of the site into two parcels and rezoning the land from “A” Agricultural to “PR1” Parks and Recreation as part of the terms required for the charitable donation.
- There are no plans to develop the site; the intent is to preserve the natural habitat as ecologically sensitive land. The land is comprised of both Riverbottom Forest and Prairie Wetland habitat.

ANALYSIS OF THE DASZ

- The subject site is located in within the Rural and Agricultural area under OurWinnipeg. The site is also designated as Major Open Space (City Owned) under the Complete Communities Direction Strategy and is zoned “A” Agricultural.
- The rezoning from “A” Agricultural to “PR1” Parks and Recreation is not only required as per the charitable donation, but also aligns the zoning designation of the land in accordance with the overarching policies guiding Parks areas under the Complete Communities Direction Strategy.

RECOMMENDATION

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

- The rezoning from “A” Agricultural to “PR1” Parks and Recreation is required per the charitable donation of the land to the City of Winnipeg.
- The rezoning also aligns the zoning designation of the land in accordance with the overarching policies guiding Parks areas under the Complete Communities Direction Strategy.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 33/2014

Schedule "A" for File No. DASZ 33/2014, Riel Community Committee, dated January 12, 2015

