Agenda – Council – September 30, 2015

Report – Executive Policy Committee – September 23, 2015

Item No. 2 Subdivision and Rezoning – 20 Allan Blye Drive and Parcel A and Lot 3 surrounded by Amber Trail, Allan Blye Drive and Leila Avenue (Old Kildonan Ward)
File DASZ 6/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 6/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2015 dated Jun. 11, 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 shown on Schedule "A" for File DASZ 6/2015 dated Jun. 11, 2015 to a "PR2" Parks and Recreation District.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

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

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

Report – Executive Policy Committee – September 23, 2015

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (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.

10. 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.

11. 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 – September 23, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2015, the Lord Selkirk-West Kildonan 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 - 20 Allan Blye Drive and Parcel A and Lot 3 surrounded by Amber Trail, Allan Blye Drive and Leila Avenue File DASZ 6/2015**

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2015, the Lord Selkirk-West Kildonan 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 6/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2015 dated Jun. 11, 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 shown on Schedule "A" for File DASZ 6/2015 dated Jun. 11, 2015 to a "PR2" Parks and Recreation District.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

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

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (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.

10. 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.

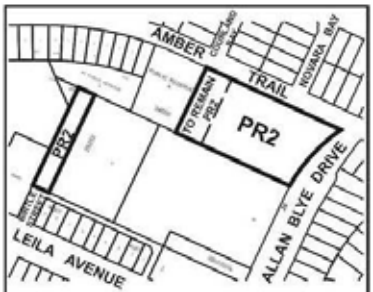
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The subject application is straight forward. When you look at the realignment, it makes sense once the land swap is completed to consolidate the City's land together as well as consolidate the School Division's land together.

PUBLIC HEARING SUMMARY

File:	DASZ 6/2015
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	September 15, 2015 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Subject:	



APPLICANT: CITY OF WINNIPEG, PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
FILE : DASZ 6/15
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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected:	20 Allan Blye Drive and Parcel A and Lot 3 surrounded by Amber Trail, Allan Blye Drive and Leila Avenue
Exhibits Filed:	1. Application dated June 11, 2015 2. Notification of Public Hearing dated June 25, 2015

3. Manitoba Status of Titles 1707711/1, 1502577/1 and Title Search 1502577/1
4. Letter of authorization dated January, 2015 from the Seven Oaks School Division No. 10 to the City of Winnipeg
5. Plans (2 pages)
6. Report from the Urban Planning Division dated August 24, 2015
7. Inspection Report
8. Recording of Representations

PRESENTATIONS:

In Support:

Mr. N. Yauk, Senior Planner, Planning, Property and Development Department

In Opposition

Nil

For Information:

Nil

For the City:

Nil

Exhibit “6” referred to in File DASZ 6/2015

ADMINISTRATIVE REPORT

Title: DASZ 6/2015 – 20 Allan Blye

Issue: For consideration at the Public Hearing to rezone land from “RR5” Rural Residential District to “PR2” Parks and Recreation District.

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Critical Path: LSWK Community Committee – Standing Policy Committee - 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	M. Pittet	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 6/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 6/2015 dated Jun. 11, 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 shown on Schedule “A” for File DASZ 6/2015 dated Jun. 11, 2015 to a “PR2” Parks and Recreation District.
3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.
4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within 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.
6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.
8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (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.

10. 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.

11. 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 intends to rezone the property to a “PR2” Parks and Recreation District.
- The proposed rezoning is meant to accommodate a land swap between the City of Winnipeg and the Seven Oaks School Division.
- The rezoning is required to create consistency in zoning designations of the affected lands.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject lands can be rezoned to a “PR2” Parks and Recreation District.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Noah Yauk
Date:	August 24, 2015
File No.	DASZ 6/15

List of Attachments:

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 6/15, LSWK COMMUNITY COMMITTEE, DATED JUNE 11, 2015

APPENDIX 'A

DATE: August 24, 2015

FILE: **DASZ 6/15**

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: Leila North

SUBJECT: For consideration at the Public Hearing to rezone the subject property to an "EI" Education and Institutional District.

LOCATION: 20 Allan Blye

LEGAL DESCRIPTION: LOT 3 PLAN 23200 WLTO IN OTM LOTS 15 AND 16 PARISH OF KILDONAN
PARCELS A AND B 28256 WLTO IN OTM LOTS 16 AND 17 PARISH OF KILDONAN
PUBLIC RESERVES A,B, AND C PLAN 34650 WLTO IN OTM LOTS 16, 17, 18, AND 19 PARISH OF KILDONAN



APPLICANT: The City of Winnipeg (Michelle Granger)
2nd Floor – 65 Garry Street
Wpg., MB R3C 4K4

OWNER: Seven Oaks School Division
City of Winnipeg

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the property to a “PR2” Parks and Recreation District.
- The proposed rezoning is meant to accommodate a land swap between the City of Winnipeg and the Seven Oaks School Division.
- The rezoning is required to create consistency in zoning designations of the affected lands.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

SITE DESCRIPTION

The subject properties that would be rezoned as part of this application are lands located at the southwest corner of Amber Trail and Allen Blye Drive and the lands at the northern terminus of Birtle Street north of Leila, in the Amber Trail Neighbourhood of the Old Kildonan ward (See Figure 1). To put the lands in a larger context, they are associated with Ecole Leila North School and City owned public reserve lands west of the school.

Surrounding Land Use and Zoning

North: Amber Trail, then single-family homes zoned “R1-M” Residential Single-Family District.
South: A public lane then single-family homes zoned “R1-S” Residential Single-Family District and a fire station zoned “RMF-M” Residential Multi-Family District and “PR2” Parks and Recreation District.
East: Allen Blye Drive, then single-family homes zoned “R1-M” Residential Single-Family District.
West: Lands approved for multi-family development zoned “RMF-M” and “RMF-S” Residential Multi-family District.



Figure 1: Lands subject to proposed rezoning (Aerial Flown 2012)

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the property to a “PR2” Parks and Recreation District.
- The proposed rezoning is meant to accommodate a land swap between the City of Winnipeg and the Seven Oaks School Division.
- The rezoning is required to create consistency in zoning designations of the affected lands.
    - The lands currently owned by the Seven Oaks School Division need to be rezoned to “PR2” to match the City owned lands this will be consolidated with
    - The lands owned by the Seven Oaks School Division, adjacent to the subject City owned lands they will be consolidated with will be rezoned to “PR2” to match the existing “PR2” which is more suited to a school.
    - The existing RR5 zoning district is not the most appropriate zoning district for public park space or for a school. The “RR5” zoning district is meant to accommodate rural residential development in Agricultural Policy areas where the minimum lot size can be less than 40 acres.

- The subject rezoning application will clean up the zoning situation on the affected sites to better match zoning district with planning policy.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.



Figure 2: Lands Associated with the proposed Land Swap (Aerial Flown 2012)

Figure 2 above illustrates the lands that are associated with the land swap between the City of Winnipeg and the Seven Oaks School Division.

- The lands currently owned by the City would become owned by the Seven Oaks School Division and consolidated with the existing School Division lands directly to the east. The School Division Lands are currently zoned "RR5" would then be rezoned to "PR2".
- The lands currently owned by the Seven Oaks School Division would become owned by the City of Winnipeg and consolidated with existing City owned lands directly to the east. The subject lands would be rezoned to "PR2" to match the public reserve lands



Figure 3: Current Zoning of the Subject Lands and Surrounding Area.

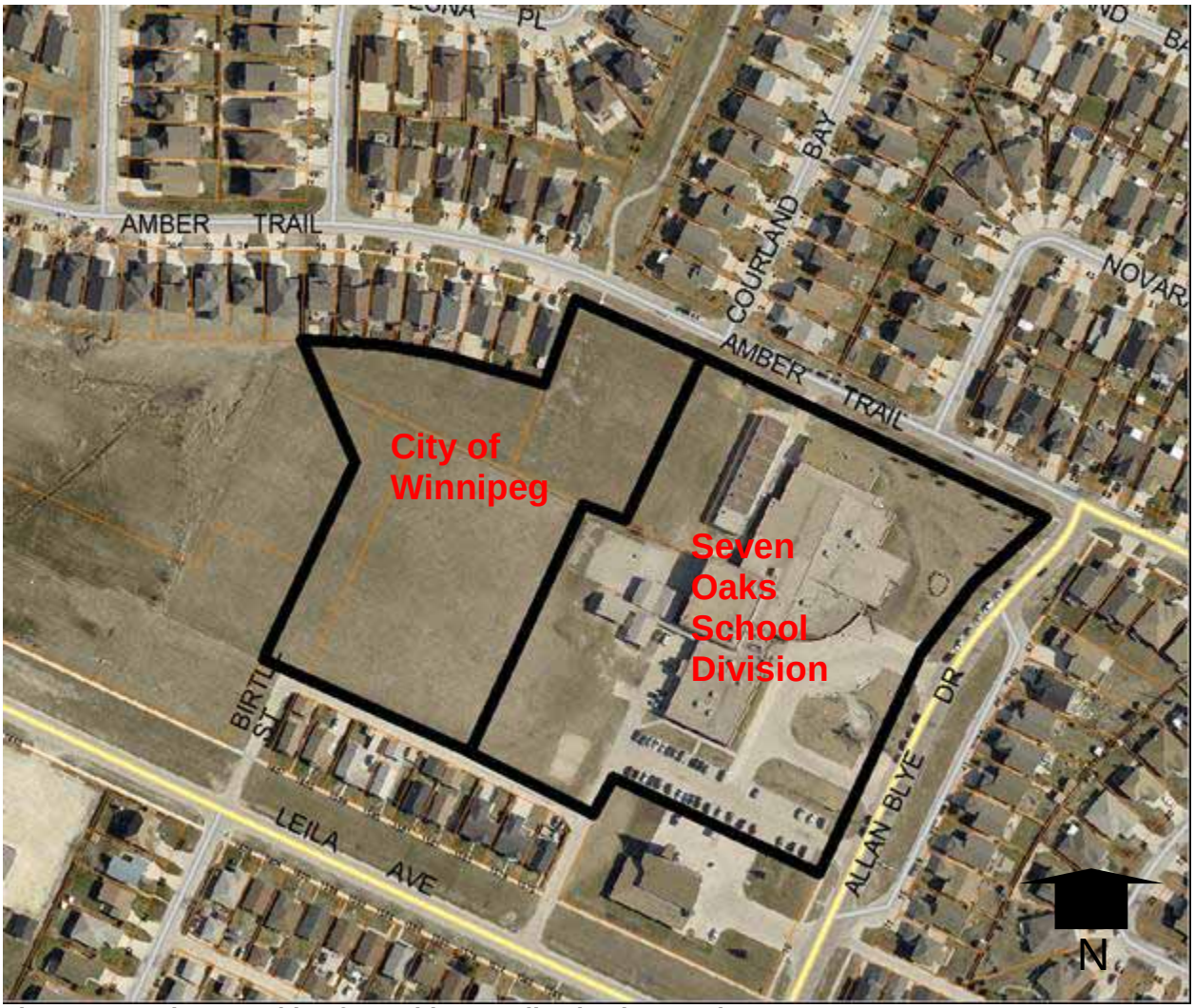


Figure 4: Land Ownership after subject application is complete.

Figure 4, above, illustrates what lands will be owned by the City of Winnipeg and what lands will be owned by the Seven Oaks School Division once the land swap has been finalized. The land swap, rezoning and consolidation allow for each entity's lands to be contiguous on their own. All of the lands highlighted in Figure 4 would have a consistent "PR2" Zoning District. This zoning district is the most appropriate to accommodate the land uses for both the School Division and the City of Winnipeg.

ZONING

Zoning By-Law 200/2006:

The current zoning designation of the subject lands is RR5 Rural Residential District.

> *The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.*

The zoning district of the subject lands does not fit the neigbourhood context in which they are situated in. As noted above, the “RR5” zone is meant for rural development in areas that are designated for rural development. However, the subject lands are designated as Recent Community in Complete Communities; the current “RR5” designation is not consistent with the Recent Community Policy designation.

Proposed Zoning District
The lands are proposed to be rezoned to “PR2” Parks and Recreation District.

> The Parks and Recreation 2 (PR2) district is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collector streets.

The proposed “PR2” zoning district for the subject properties is a much better fit both in terms of the neigbourhood context in which the lands are situated in and in terms of the Complete Communities policy designation that governs the lands.

COMPATIBILITY WITH EXISITNG DEVELOPMENT

Effectively, the rezoning application will provide zoning consistency for the City owned lands and the Seven Oaks School Division lands. The land will remain in use for school purposes for the Seven Oaks School Division and park space for the City of Winnipeg. The subject rezoning cleans up the sites from a zoning perspective. Without it, the City lands and School Division lands would each be split zoned which makes it difficult to apply the by-law, not to mention that the “RR5” district is intended for rural, not urban development. The re-orientation of lands provided by the land swap provides mutual benefit to the City of Winnipeg and the School Division in that:

1) It results in a better consolidation of the School Divisions lands and park lands (Contiguous instead of non-contiguous).
2) The land that the City would be getting from the School Division is a logical location for the continuation of the Amber trails multi-use pathway.
3) The land that the School Division would be getting from the City provides for opportunities for facility expansion without special permission from the City.
4) The land that the School Division would be getting from the City is currently not programmed by the City nor has there been any specific demand or expectations from the neighbourhood.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The proposed rezoning to “PR2” better reflects the intended use of the subject lands and is consistent with the Recent Community Policy designation of Complete Communities.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 6/15

SCHEDULE “A” FOR FILE NO. DASZ 6/2015, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED JUNE 11, 2015.

By-Law No. _____

File No. **DASZ 6/15**

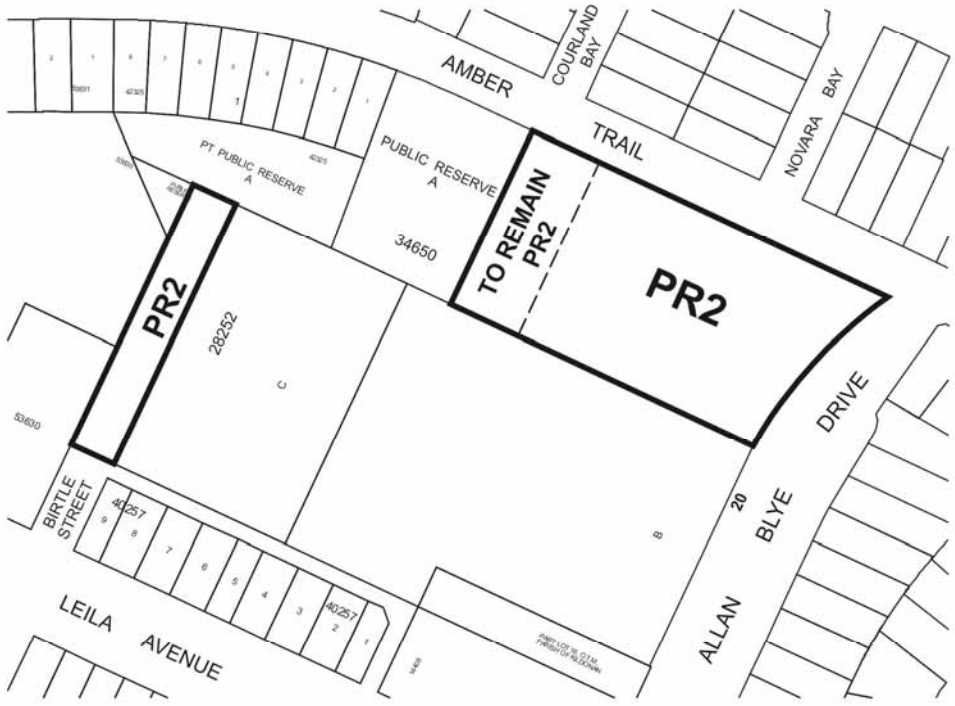
Atlas Sheet No. **R22**

N

LORD SELKIRK WEST KILDONAN 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 at 20 Allan Blye Drive, Parcel A & Lot 3 bounded by Amber Trail, Allan Blye Drive and Leila Avenue from “RR5” RURAL RESIDENTIAL 5 DISTRICT to a “PR2” PARKS AND RECREATION 2 (COMMUNITY) DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____