Minute No. 443
Report – Executive Policy Committee – July 13, 2016

Item No. 1 **Subdivision and Rezoning – 97 Oak Forest Crescent (St. Charles Ward) File DASZ 11/2016**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 11/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2016 dated June 17, 2016 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 "A" for file DASZ 11/2016 dated June 17, 2016 to the "PR-1" Parks and Recreation (Neighbourhood) zoning district and "R1-L" Residential Single Family – Large zoning 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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

Report – Executive Policy Committee – July 13, 2016

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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 – July 13, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2016, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, the Assiniboia 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 – 97 Oak Forest Crescent**
File DASZ 11/2016

For submission to: **Executive Policy Committee**

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **July 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, the Assiniboia 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 11/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2016 dated June 17, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. This is a fair exchange of land between the City and the property owner and squares up the owner’s property and makes it more habitable.

PUBLIC HEARING SUMMARY

File: DASZ 11/2016

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson

Public Hearing: July 5, 2016
Council Building, 510 Main Street

Applicant: Dean Stewart

Subject:



Premises Affected: 97 Oak Forest Crescent

Exhibits Filed:

1. Application dated April 19, 2016
2. Notification of Public Hearing dated April 27, 2016
3. Manitoba Status of Titles 2312670/1 and 2715282/1
4. Letter of authorization dated January 27, 2016 from The City of Winnipeg, Real Estate Division to Dean Stewart
5. Surveyor's Building Location Certificate and sketch dated May 17, 2010
6. Caveat 3537503/1
7. Caveat 4009029/1
8. Surveyor's Plan showing proposed subdivision of Lot 8, Block 2, Plan No. 47560 WLTO
9. Report from the Urban Planning Division dated June 20, 2016
10. Inspection Report
11. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:

Dale Stewart, on behalf of the Applicant, Dean Stewart

In Opposition

Nil

For Information:

Nil

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 11/2016

ADMINISTRATIVE REPORT

Title: DASZ 11/16 – 97 Oak Forest Crescent

Issue: An application for consideration at the Assiniboia Community Committee public hearing to subdivide and rezone the existing single family residential zoned "R1-L" portion of land to the parks "PR1" district and existing "PR1" land to the "R1-L" zoning district.

Critical Path: Assiniboia 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 11/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2016 dated June 17, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 subdivide and rezone lands in order to finalize an exchange of land with the City in order to reconfigure the layout of their single family residential property in relation to park land.
- 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 lands will be subdivided and rezoned to the "PR-1" Parks and Recreation Neighbourhood zoning district and "R1-L" Residential Single Family zoning district in accordance with the proposed land exchange.

HISTORY

- The City acquired the park land as Public Reserve from a Developer through dedication as part of the initial subdivision and rezoning.

- Recently, the owners of 97 Oak Forest Crescent expressed interest in exchanging a portion of their property for a portion of the public reserve to square off the shape of their lot. The subject property was circulated to all City Departments and no Civic need was identified. Parcels A and B are equal in size and value, based on an internal appraisal. All costs associated with the subdivision and rezoning and transfer of the land are to be borne by the Applicant.

- The Parks and Open Space Division of the Public Works Department concurs with the intentions of the Real Estate Department. The Ward Councillor was consulted and concurs with the intentions of the Department.

April 29, 2015 – Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the City owned property to the rear of 97 Oak Forest Crescent, identified as "PARCEL B" on the attached Misc. Plan No.14084 be declared surplus to the needs of the City.

2. That subject to the approval of Recommendation No. 1, the proposed land exchange of "PARCEL B" as shown on Misc. Plan No.14084 for "PARCEL A" as shown on Misc. Plan No. 14084 be approved for $1.00 in accordance with such terms and conditions as deemed necessary by the Director of the Planning, Property and Development Department and the Director of Legal Services/City Solicitor to protect the interests of the City.

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

CONSULTATION

In preparing this report there was consultation with:

- Parks and Open Spaces

SUBMITTED BY

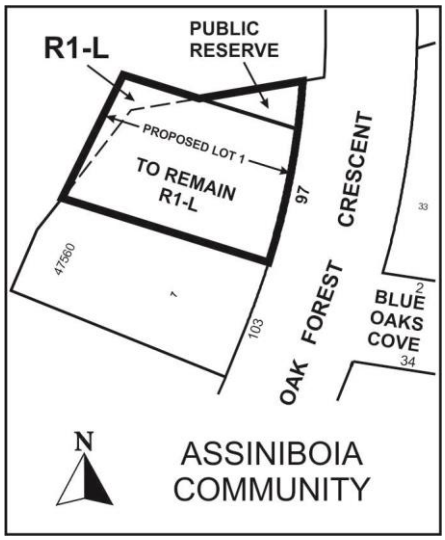
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	June 20, 2016
File No.	DASZ 11/16

APPENDIX 'A'

DATE: June 20, 2016
FILE: **DASZ 11/16**
RELATED FILES:
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.227

SUBJECT: To subdivide and rezone lands in order to exchange a portion of private land with public reserve land.

LOCATION: 97 Oak Forest Crescent
LEGAL DESCRIPTION: LOT 8 BLOCK 2 PLAN 47560 89/93 STC



APPLICANT: Dean Stewart
97 Oak Forest Cres.
Winnipeg MB R3K 1M4

OWNER: Same as Applicant
and City of Winnipeg

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject land is located on the west side of Oak Forest Crescent in the Assiniboia Downs neighbourhood of the St. Charles ward.
- The subject site is 11,124 square feet. There is a single family dwelling on site with a floor area of 2,117 square feet.

- The site is within the Recent Communities Policy Area under the Complete Communities Direction Strategy and is currently zoned “R1-L” Residential Single Family – Large.

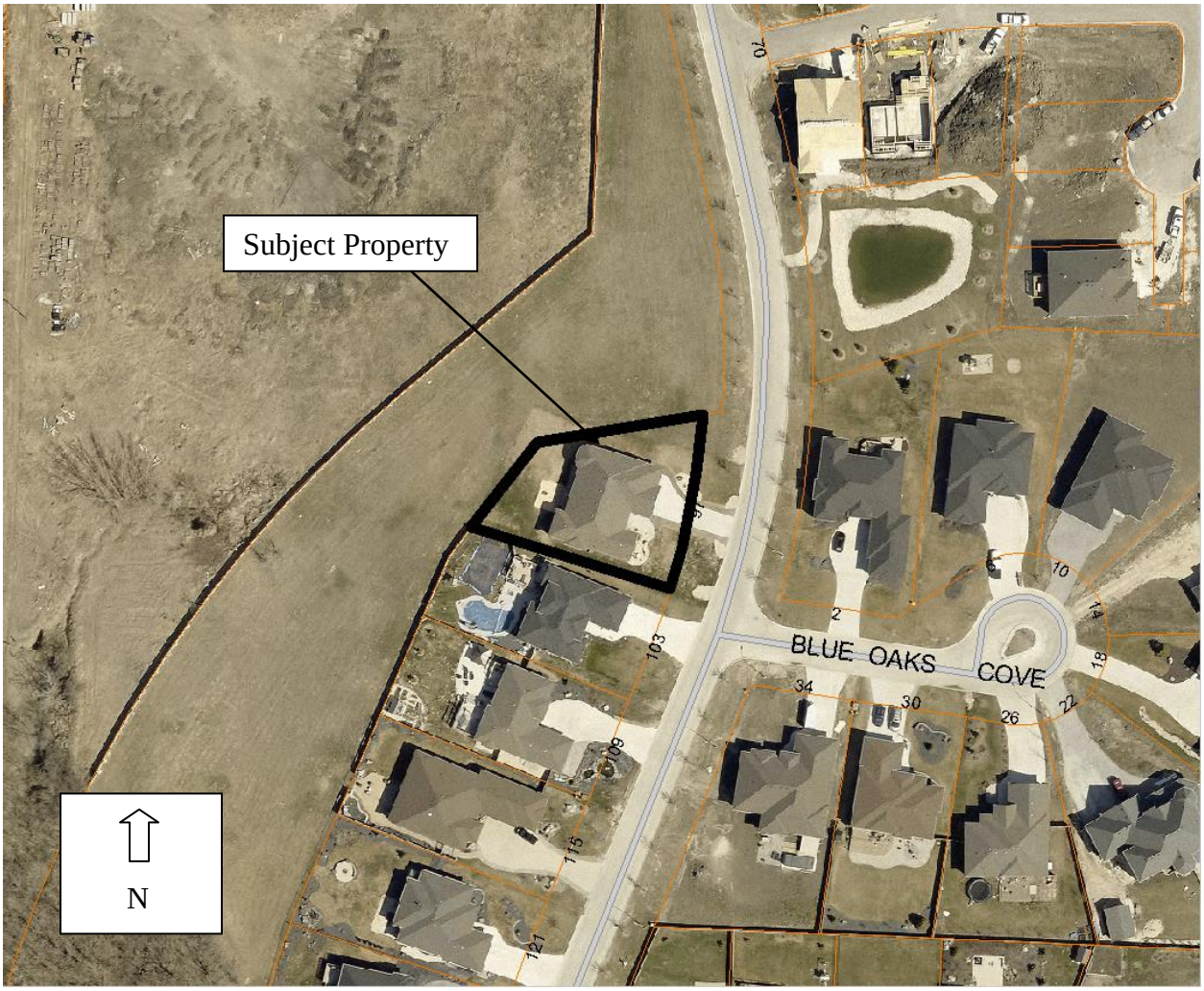


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Park space zoned “PR1” Parks and Recreation

South: Residential uses zoned “R1-L” Residential Single-Family Large

East: Residential uses zoned “R1-L” Residential Single-Family Large

West: Park space zoned “PR1” Parks and Recreation

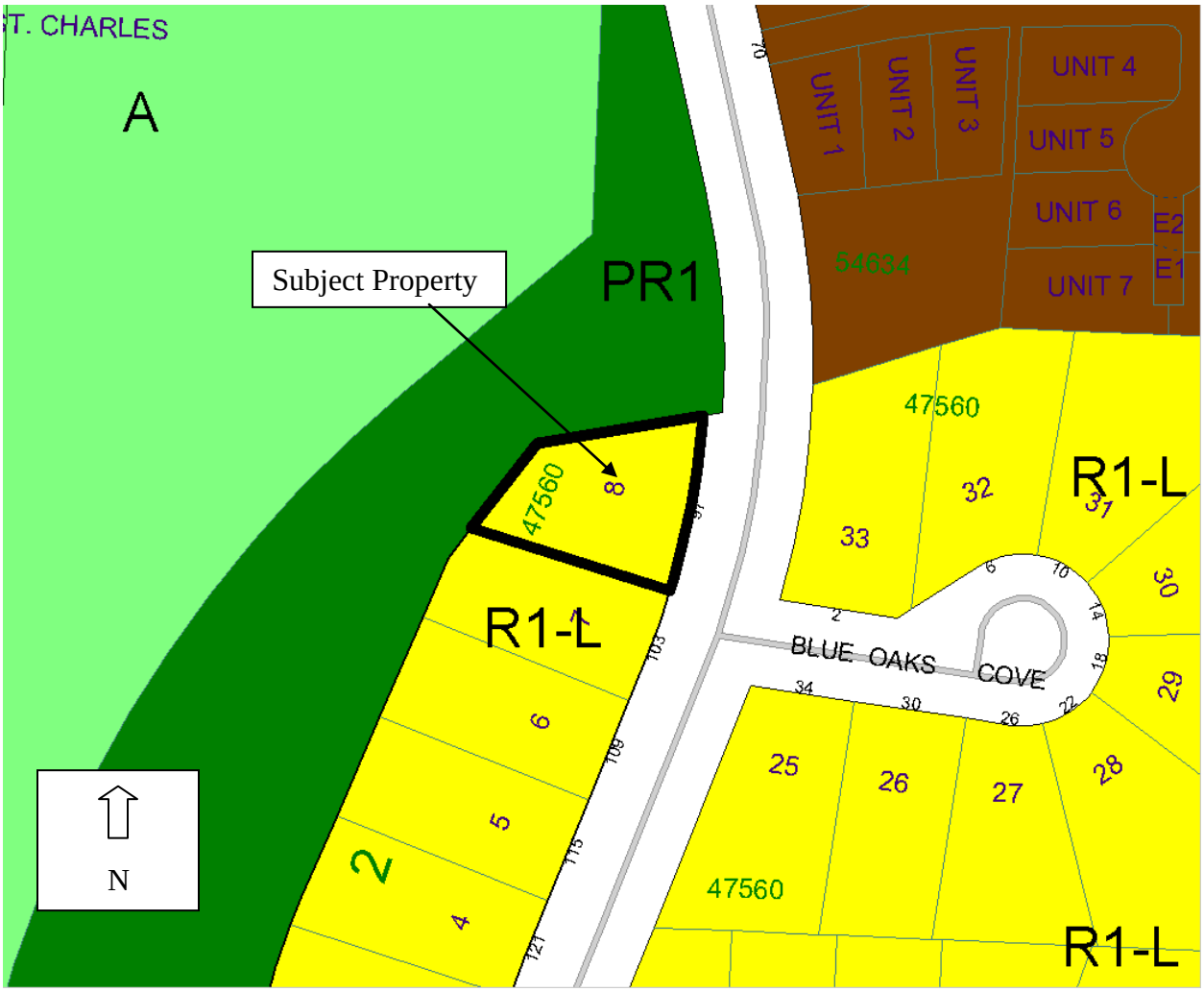


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant explains that the lot in its current configuration is an odd fan shape that limits the use of the back yard.

- The applicant is proposing to reconfigure the lot to establish it in more of a rectangular shape, by reducing the north side yard and increasing the rear yard. They are proposing to acquire the area identified as Parcel B which is ~ 97.3 m2 in exchange for Parcel A which is ~ 97.4 m2, as shown in Figure 3 below.

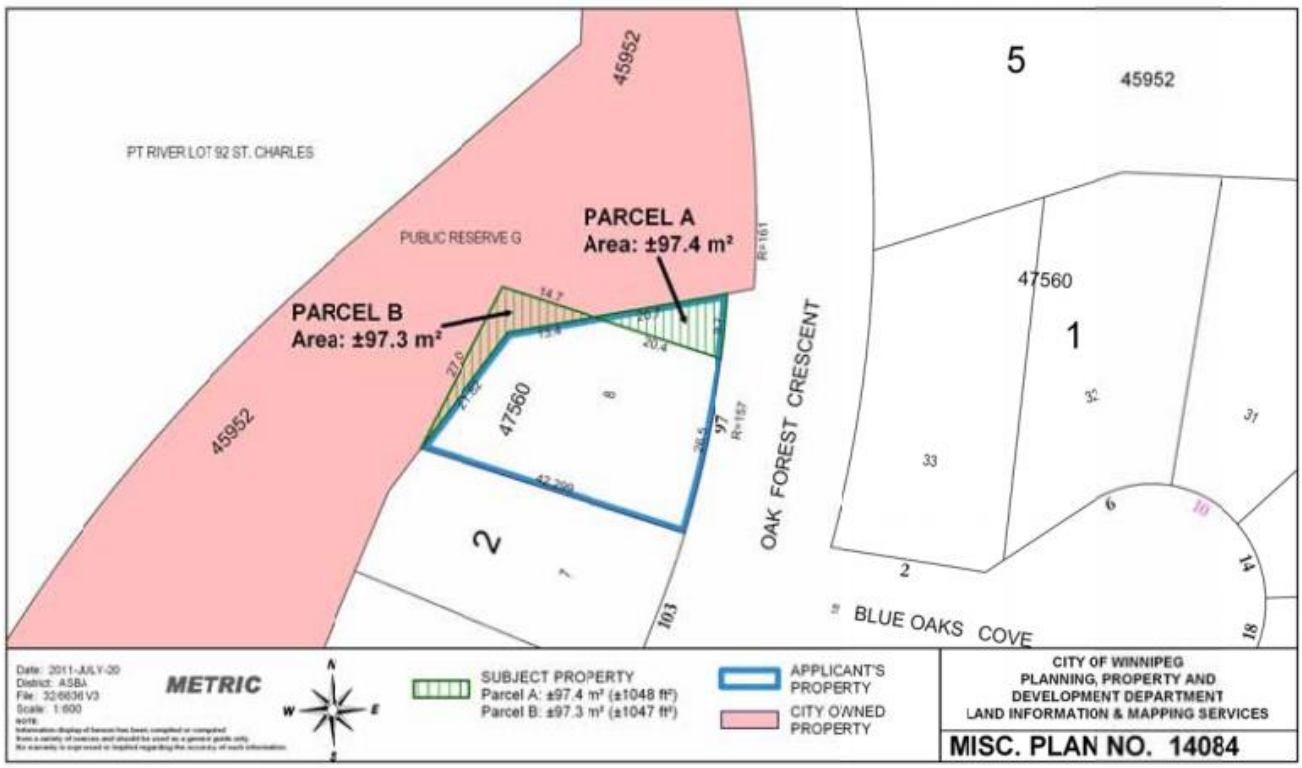


Figure 3: Proposed lot reconfiguration

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding the development of Recent Communities include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

ZONING

- The current zoning of the subject lands are 'R1-L' Residential Single Family - Large; and 'PR-1' Parks and Recreation (Neighbourhood).

- The Residential Single Family (R1) district is intended to accommodate primarily single-family residential development in lower-density areas.

- The Parks and Recreation 1 (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, there are no parking facilities 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.

REAL ESTATE

- The proposed land exchange was supported by the City Administration and Council confirmed approval of the exchange on April 29th, 2016. One of the conditions to satisfy the exchange was that the applicant be responsible for subdividing and rezoning the land. As such, the subject application is being made.
- The Owner is also responsible for the installation of fencing along the north and west limits of their property within a reasonable period of time following the Closing Date of the transaction at the owners expense. The intent of the fence is to properly delineate private and public land.

DISCUSSION OF PROPOSED SUBDIVISION AND REZONING

- The proposed land exchange results in the creation of a lot that is more rectangular in shape and allows the current home owner a larger and more functional back yard space. In exchange the current side yard is being reduced and land is being consolidated with the existing City lands that are zoned for park as "PR1".
- The Urban Planning Division does not have any concerns with the proposed reconfiguration of the site as the lot size remains compatible with the surrounding residential properties and there is no loss to the available park amenity space for residents in the neighbourhood.

RECOMMENDATION

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

- The proposed land exchange has been approved by Council and was supported by the City Administration.
- The subdivision and rezoning formalizes the lot lines and proper zoning district in accordance with the land exchange.
- The land exchange is for equal sized portions of land.
- The land exchange will not have any negative impact on the general use of the existing open space.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 11/16

Schedule "A" for File No. DASZ 11/2016, Assiniboia Community Committee, dated June 17, 2016

By-Law No. _____

File No. **DASZ 11/16**

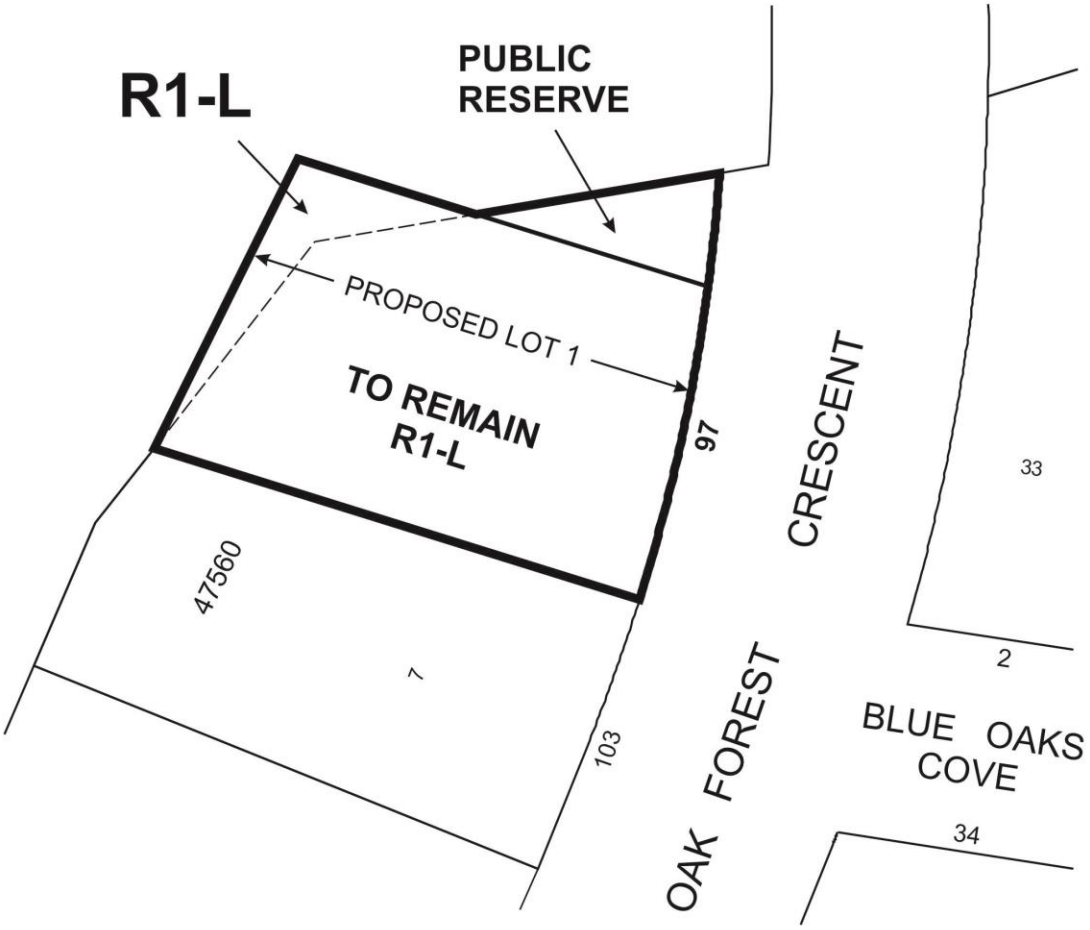
Atlas Sheet No.

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AB11
ASSINIBOIA
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 97 Oak Forest Crescent from an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to a an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the reconfiguration of lot lines for the inclusion/exchange of lands with the City of Winnipeg as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____