Agenda - Council - December 17, 2003

Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 4 Rezoning - 109 Selkirk Avenue
File DAZ 234/2003

STANDING COMMITTEE RECOMMENDATION:

On December 10, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 234/2003 dated November 4, 2003, to a "PR1" Parks and Recreation District.

2. 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. That the rezoning of the subject land to a "PR1" Parks and Recreation District shall occur upon demolition of the residential structure at 109 Selkirk Avenue.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Report - Standing Policy Committee on Property and Development - December 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Rezoning - 109 Selkirk Avenue
File DAZ 234/2003

For submission to: The Standing Policy Committee on Property and Development

Prepared by: Mrs. Diane Timmins, Clerk,
Lord Selkirk-West Kildonan Community Committee

Report date: November 19, 2003

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 234/2003, attached hereto and dated November 4, 2003, to a "PR1" Parks and Recreation District.

2. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. That the rezoning of the subject land to a "PR1" Parks and Recreation District shall occur upon demolition of the residential structure at 109 Selkirk Avenue.

4. That the City Solicitor / Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Note: Bold and italicized wording denotes variation between administrative recommendation and recommendation of the Lord Selkirk-West Kildonan Community Committee.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 4, 2003.

PUBLIC HEARING SUMMARY

File: DAZ 234/2003

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy
Councillor Pagtakhan

Public Hearing: November 13, 2003
West Committee Room
Second Floor, Council Building,
510 Main Street

Applicant: The City of Winnipeg
(Director of Planning, Property and Development Department)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : THE CITY OF WINNIPEG

FILE : DAZ 234/03

PROPOSAL : To rezone the land shown outlined above from an "R2" TWO-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT to allow for the subject lands to be incorporated into the North Winnipeg Parkway. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 109 Selkirk Avenue

Exhibits Filed:

1. Application dated September 24, 2003
2. Notification of Public Hearing to Applicant dated September 25, 2003
3. Title Search No. 1728028
4. Extract of Atlas Sheet X25
5. Report from the Manager of Planning and Land Use dated November 4, 2003
6. Inspection Report

REPRESENTATIONS:

In Support:

Kevin Nixon, Park Strategic Planner, Planning, Property and Development Department

In Opposition:

Nil

For Information:

Michael Lohaza
Mr. and Mrs. M. Mielczarek

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Kevin Nixon, Park Strategic Planner, on behalf of The City of Winnipeg, appeared in support of the application. Mr. Nixon gave an overview of the proposed rezoning and noted that since 1993, the City has been attempting to complete the land acquisitions to complete the North Winnipeg Parkway. Committee was advised that once the subject property has been rezoned, the existing house on the subject property will be demolished and a public walkway constructed to connect the parks and open space areas to the north and south of the subject site. In this connection, Mr. Nixon noted that originally, the City wanted to acquire 103 Selkirk Avenue for the parkway, but was unable to do so. However, a few days ago, the owner of that property contacted the City to discuss the possibility of a land exchange. In the event the land exchange materializes, the subject property would not be required and the rezoning of the subject property

would not be proceeded with. In this connection, the Planner suggested that a new clause be added to the administrative recommendation to address the possibility of a land exchange.

Maria Mielczarek, accompanied by Michael Lohaza, appeared for information. Committee was advised they each lived on either side of the subject property, were not opposed to the proposed rezoning, but had the following concerns:

1. With the demolition of the house on the subject property, what will happen to the fence that separates the properties (which Mr. and Mrs. Mielczarek put up) inasmuch as the existing house forms part of the fence?

2. They would prefer that the house on the subject property be demolished manually rather than with heavy equipment so as not to disturb the adjacent properties and given the fact they have been told there is a common foundation connecting 107 and 109 Selkirk Avenue.

3. As the proposed public walkway will bring more pedestrian traffic into the area with more litter and graffiti, what measures is the City prepared to take to ensure their neighbourhood remains clean and quiet?

In rebuttal, Mr. Nixon stated that insofar as the demolition of the existing house on the subject property is concerned, the City would ensure that before the house is demolished, the successful contractor does due diligence to ensure the adjacent properties are not adversely impacted by the demolition. Mr. Nixon also confirmed that when the public walkway is constructed, the City would be willing to install appropriate landscaping and fencing to buffer the adjacent properties.

Exhibit “5” referred to in File DAZ 234/2003

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 234/03
Our c/f CP 300 (.311)

November 4th, 2003

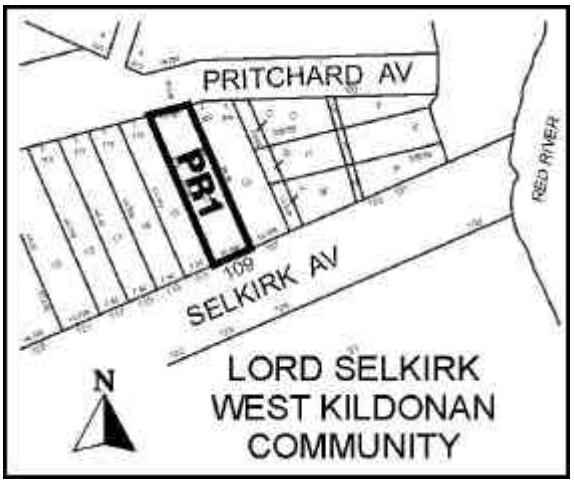
Ms. Diane Timmins, Community Clerk
Lord Selkirk - West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
109 Selkirk Avenue
Lord Selkirk - West Kildonan Community Committee
File No. DAZ 234/03

The City of Winnipeg has initiated an application to amend By-Law No. 6400/94 by rezoning the land shown below from a “R2” Residential District to a/an “PR1” Parks & Recreation District to allow for the establishment of a public walkway.

RELATED FILES: N/A



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The subject property is currently zoned R2 Residential, and is occupied by a detached residential building. The property is approximately 4,300 square feet in size.

Surrounding Land Use and Zoning:

North: Prichard Ave, then detached residential (R2), multi-family residential (RM-6) and parkland (R2)
South: Selkirk Ave, then parkland (R2)
East: Detached residential buildings (R2), then parkland (R2) and the Red River
West: Detached residential buildings (R2)

DEVELOPMENT DESCRIPTION:

The applicant, the City of Winnipeg, is proposing to rezone the subject property and demolish the existing detached residential home in order to construct a public walkway. The walkway is required to connect parks and open space areas to the north and south of the subject site.

The subject property is required in order to connect two segments of the city's North Winnipeg Parkway riverside trail. The City has been attempting to acquire riverbank properties in this section of the planned parkway since 1993, and unsuccessful efforts in acquiring riverbank property at 103 Selkirk Ave as resulted in the City pursuing alternative solutions. Rezoning the property at 109 Selkirk Ave to PR1 Parks and Recreation and developing the site with a 6' to 10' wide path and landscaping will allow the sections of the North Winnipeg Parkway to be connected in close proximity to the river where direct riverbank access has proven unfeasible.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, residential, and parks & recreation development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The proposed zoning designation of "PR1" Parks & Recreation and the proposed use is in general compatible with the adjacent residential properties. While a riverside parkway alignment is the preferred route, the applicant's efforts since 1993 to obtain such an alignment has indicated that this is not possible, and that an alternative route is required. The Planning & Land Use Division has no objections to the proposed rezoning.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 234/03, attached hereto and dated November 4th, 2003, to a "PR1" Parks and Recreation District.

II. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

III. That the City Solicitor / Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh, AICP
Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DAZ 234/03**

Atlas Sheet No. **X25**

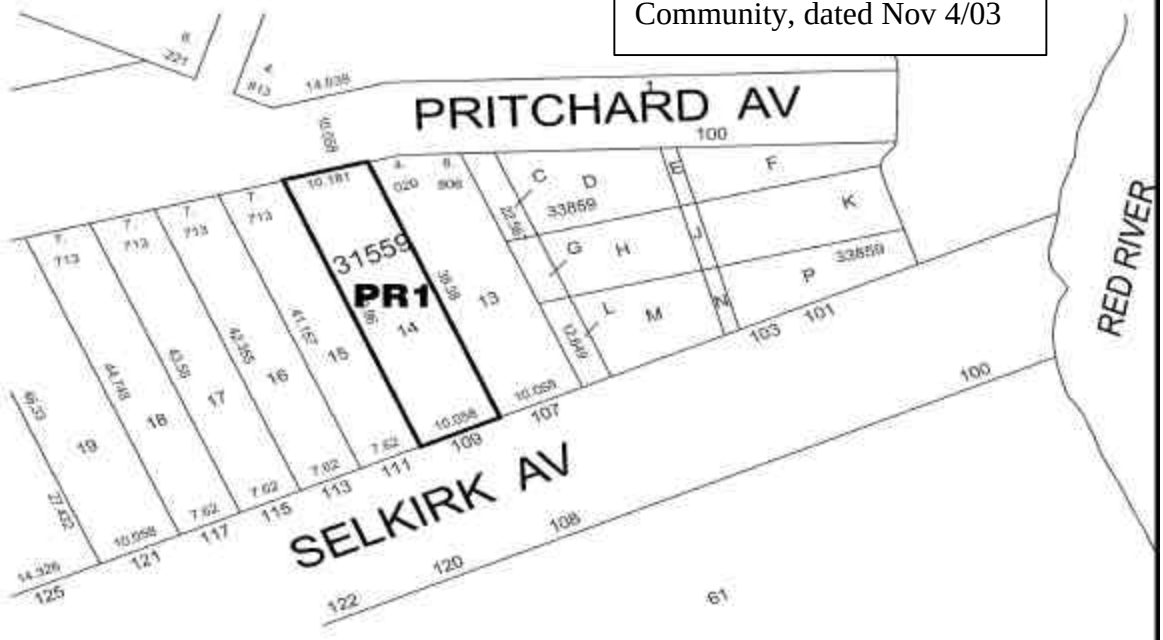
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 109 Selkirk Avenue from an "R2" TWO-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 234/03, LS/WK Community, dated Nov 4/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____