Agenda - Council - February 25, 2004

Report - Standing Policy Committee on Property and Development - February 5, 2004

Item No. 1 Rezoning - Lands south of Bison Drive, west of Pembina Highway File DAZ 243/2003

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee 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 243/2003 dated January 20, 2004, to a "PR-1" Parks and Recreational District and an "R1-4" Single Family Residential 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 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

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 - February 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 27, 2004, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Lands south of Bison Drive, west of Pembina Highway**
File DAZ 243/2004

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **January 29, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 27, 2004, the Riel Community Committee concurred in the administrative recommendation 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 243/2003 dated January 20, 2004, to a "PR-1" Parks and Recreational District and an "R1-4" Single Family Residential 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 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated January 20, 2004.

2. There is overwhelming local support for rezoning the lands to an "R1-4" Single Family Residential District and said zoning designation is consistent with contiguous development in the area.

PUBLIC HEARING SUMMARY

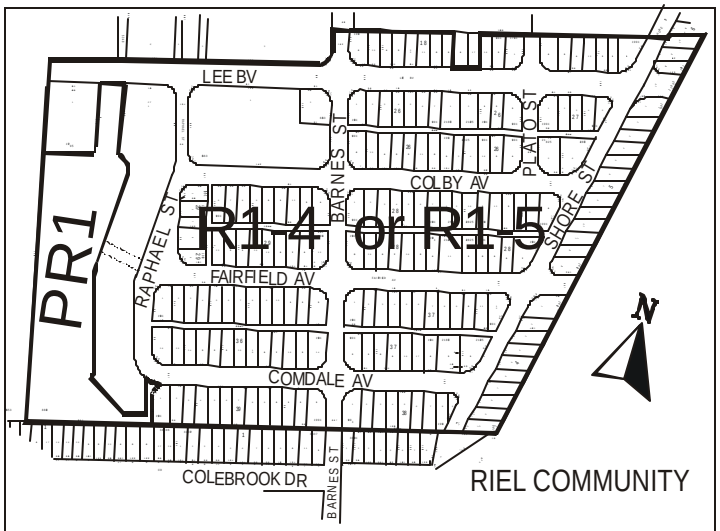
File: DAZ 243 /2003

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Steeves

Public Hearing: January 27, 2004
Waverley Fellowship Baptist Church, 2171 Waverley Street

Applicant: The City of Winnipeg

Subject:



APPLICANT: THE CITY OF WINNIPEG
FILE: DAZ 243/03
PROPOSAL: To rezone the land shown outlined above from an "A-5" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and either an "R1-4" SINGLE-FAMILY DISTRICT or an "R1-5" SINGLE-FAMILY DISTRICT to allow for single-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR :VILLE DE WINNIPEG
RÉFÉRENCE : DAZ 243/03
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie A-5 (SECTEUR AGRICOLE) et de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) et soit à la catégorie R1-4 (SECTEUR D'HABITATIONS UNIFAMILIALES), soit à la catégorie R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) afin de permettre la construction d'habitations unifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Lands south of Bison Drive, west of Pembina Highway

Exhibits Filed:

1. Application dated December 6, 2003
2. Notification of Public Hearing dated December 11, 2004
3. Report from the Manager of Planning and Land Use dated January 20, 2004

REPRESENTATIONS:

In Support:

William Stewart Campbell
Roland De Mauleon
Joan and John Green
Barry Houston
Guy Magnusson
Marina Matheson
Isaac and Elizabeth McNeilly
A. Roukema
Luis and Peter Toderash
Peter Toderash
Steve Vincze
Ed Westphal
Eric Westphal

In Opposition:

Nil

For Information Purposes:

Dennis and Susan Flood
Leon and Dorothy Labelle
Mitch Mansky and Darlene Joss
A. Ritchie
Ed Slyker and Lynn Miller
Eric and Joanne Thompson
Gregg Tomy

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Chris Torpey, Land Development Administrator, City of Winnipeg, appeared in support of the application and provided an overview of the proposal. Mr. Torpey indicated that the City of Winnipeg had proposed both "R1-4" Single Family Residential District and "R1-5" Single Family Residential District zoning designations to provide property owners in the area with flexibility and the ability to configure their properties more advantageously.

Ed Westphal appeared in support of the application and read from a prepared presentation written by his brother, Fred Westphal. Mr. Westphal stated that he was supportive of rezoning the area to an "R1-4" Single Family Residential District as this would allow area property holders to develop larger or smaller lots.

In response to a question from Mr. Westphal, Councillor Angus replied that the proposed zoning does not provide for the development of multiple family housing. Councillor Angus stated that, with the proposed "R1-4" Single Family Residential District zoning, a property owner could split a lot with ninety (90) feet of frontage into two lots but this would not be possible under an "R1-5" Single Family Residential District without obtaining a variance.

Isaac McNeilly appeared in support of the application. Mr. McNeilly stated that he was concerned about the possible closing of Barnes Street. Councillor Angus stated that the closing of Barnes would be a positive for the neighbourhood.

Darlene Joss appeared for information. Ms. Joss asked if the proposed zoning change would benefit people already living on larger lots in the area. Ms. Joss stated that the development of smaller lots would likely diminish the value of homes on larger lots as she explained that she could envision being surrounded by rows of small concrete houses. In response to a question from Ms. Joss, Councillor Angus explained that, should Barnes Street be closed, Keslar Road would likely eventually connect Lee Boulevard to Bairdmore Boulevard.

Greg Thome appeared for information and stated that he did not see a provision for schools in the proposed development and that there would be a need for schools in the area. Councillor Angus stated that a school was originally expected to be built at the corner of Bairdmore Boulevard and Marrington Road but the Pembina Trails School Division has decided not to build there. Councillor Angus further stated that it was his understanding that the school division would possibly construct a new school along Waverley Street. Mr. Thome also asked if the City would develop any walkways or bicycle paths in the area.

Chris Torpey returned in rebuttal and stated that there are no planned pathways or bike paths in the development aside from possible pathways when Barnes Street is closed. Councillor Angus asked if it would be possible to develop pathways along the pond to which Mr. Torpey replied that the land suitable for pathway development along the pond was privately held. Councillor Angus stated that he would endeavour to investigate the possibility of installing pathways in the

area. Mr. Torpey stated that there would eventually be sidewalk development on Barnes Street and pathways extending to the Richmond West area.

Mr. Torpey explained that Committee had the option of rezoning some or all of the properties to "R1-4" Single Family Residential District or "R1-5" Single Family Residential District on a block-by-block basis. Councillor Angus stated that the "R1-4" Single Family Residential District zoning designation allows the maximum flexibility for development in this area and this designation would help offset the costs of the infrastructure in the area.

Exhibit “3” referred to in File DAZ 243/2003

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 243 /03 January 20, 2004

Our c/f CP 500 (. 637)

Marc Pittet, Clerk
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

REZONING
Location: South of Bison Drive, West of Pembina Highway
Riel Community Committee
File No. DAZ 243 /03

An application has been received from the City of Winnipeg, to amend By-Law No. 6400/94 by rezoning the land shown below from an “ A-5” Agricultural District and a “ PR-1 “ Parks and Recreational District to a “ PR-1” Parks and Recreational District and either an “ R1-4” Single Family Residential District or an “ R1-5” Single Family Residential District to allow for new single family development.

RELATED FILES: NA



SITE DESCRIPTION:

Site Area:

The subject application encompasses a total area of approximately 60 acres.

Existing Land Use and Zoning:

The land is for the most part vacant, possibly as few as 25 buildings (primarily homes with some home businesses). With the exception of one parcel zoned PR-1, all of the land is zoned A-5 Agricultural.

Surrounding Land Use and Zoning:

North: Property to the north is generally owned by Westfair Properties (C2 Commercial) and South East College (RM-1 Multiple Family).
South: Property to the south constitutes part of a fully developed residential subdivision zoned R1-5.5 Single Family and RM-1 Multiple Family .
East: To the east is the CNR Lettelier Line and Commercial (C2)businesses along Pembina.
West: To the west are lands owned by the Salvation Army zoned A5 Agricultural.

DEVELOPMENT DESCRIPTION:

The Fairfield Park area encompasses approximately 60 acres under title to seventy – nine(79) separate owners including the City of Winnipeg. There are no land drainage sewers or wastewater sewers except for the the sewers recently installed to service an adjacent Superstore and a single watermain is in place along Lee Boulevard extending westward to the Southwest College property.The area has a " Neighbourhood Policy" designation in Plan Winnipeg which effectively means that the area needs a full range of municipal services for subdivision and residential development to proceed. Accordingly, there has been what has amounted to a development freeze in the Fairfield Park neighbourhood area for over twenty years.

However with the recent approval by City Council of the Fairfield Park Local Improvement District(L.I.D.) By-Law, the installation of a full range of services including watermain, wastewater sewer, land drainage sewer, a stormwater retention pond, concrete pavement, sidewalks and underground hydro and telephone service will begin early this year. The tender for the construction of the retention pond was posted on the City's website in mid December with a closing date of January 8th,2004. Actual construction of the pond should begin in February of this year.

Simultaneous with the aforementioned process, will be the rezoning of most of the lands in question from 'A5' Agricultural to an 'R1' Residential category(either R1-5 or R1-4). Both were included in the advertisement to provide some flexibility and the ultimate decision what to recommend will be made at the Hearing. It should be noted that the retention pond area will be rezoned , as is customary, to a 'PR-1'Parks and Recreational District category.

PLAN WINNIPEG:

Given that the subject area is categorized as a Neighbourhood Policy Area in Plan Winnipeg, applications to permit residential and PR development can be processed and advertised for Public Hearing.

ADMINISTRATIVE COMMENTS:

The area in question extends to the CNR Lettelier railway line to the east , the Richmond West residential subdivision to the south, to a point 300' west of Raphael Street in the west and along a line 100' north of Lee Blvd. With the exception of a single small parcel of PR Public Reserve, the land is zoned A5 Agricultural in its entirety. There are 79 separate property owners, including the City of Winnipeg, and several of those own two or more parcels. Unlike adjoining residential subdivisions to the north and south, the area does not have land drainage sewers or wastewater sewers and only a limited water supply. In general there are gravel roadways and open ditch drainage and several of the rights-of -way are still undeveloped.

In 1987, traditional local improvements were successfully advertised to install a full range of services in the proposed L.I.D. area. However, because of a large initial shortfall in cost recovery it was decided by City Council at that time that the local improvements should not proceed. Faced with this decision, the land owners of the day asked City Council to investigate and report on the merits and and implications of amending the City of Winnipeg Act to create an L.I.D. The intent was that all development costs would be recovered from within the area. In November, 1996 the relevant changes to the City Of Winnipeg Act allowing L.I.D.'s received Royal Assent. A Procedural By-Law for Local Improvement Districts (By-Law No.6990/97)was enacted by City Council in February, 1997.

The Administration completed a preliminary proposal for the servicing under a L.I.D. and submitted it to the Riel CC in a report dated June 12/97, from the then Chief Commissioner. The Riel CC referred the report to the Fairfield Park Residents Group for comments. At their meeting on March 17th'98, the Committee considered the comments from the residents and laid the issue over to allow the local Councillor an opportunity to discuss the proposals with the Administration. At the Riel CC meeting of April 21/98, a revised proposal was approved and the Administration was requested to determine the costas associated with the revised proposal and to prepare a " Local Improvement Petition of Interest" based on the new proposal for circulation by the Fairfield Park Residents Group to the area land owners.

On June 16/98, the revised servicing proposal , costs and the L.I.P.I. were tabled at the Riel CC. The Committee approved the proposal and requested that the Administration deliver the L.I.P.I. to the Fairfield Park Residents Group which was done on June 17/98. In March 1999, the L.I.P.I. was submitted by the Fairfield Park Residents Group to the Riel CC. The Group advised that they had sufficient signatures from the private landowners within the L.I.D. area for the project to continue. The L.I.P.I. was submitted to the Revenue and Taxation Division of the Corporate Finance Department for verification. The official result of the L.I. P.I for the Fairfield Park L.I.D. was that owners of 64.22% of lands within the L.I.D. voted in favour of continuing the local improvement process.

In December 1999, City Council adopted the proposal for the Fairfield Park Local Improvement District and subsequently enacted the LID Initiation By-Law. Funding was approved to proceed with the Engineering drawings, cost estimates and land negotiations to finalize an LID proposal. In September, 2003, the L.I.D. proposal was successfully advertised with less than 7% of the area registering opposition to the proposal.The final reading for the Fairfield Park Local Improvement District By-Law was adopted by City Council in the fall of 2003 and subsequently included funding to complete all of the proposed infrastructure works under the 2004 Capital Budget.

In conjunction with the infrastructure work that will be carried out this year, the land is also currently being rezoned from Agricultural to Residential; R1-5 Single Family and/or R1-4 Single Family categories. R1-4 , if endorsed will allow for a greater number of lots overall as the minimum lot width requirements are only 40'. R1-5 zoning on the other hand requires a minimum lot width of 50' which overall reduces the number of potential new lots. However the actual breakdown of residential R1-4 vs R1-5 will be determined after the relative merits of both options have been discussed at the time of the Public Hearing. It should further be noted that the application to rezone includes all the properties within the designated area except those few individuals that didn't wish to be included. As is customary, the retention pond area is to be rezoned to a Parks and Recreation District. Once the underground services are in place and the land has been successfully rezoned, property owners, if they so choose, can initiate a further subdivision of their lands.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 243/03, attached hereto and dated January 20, 2004, to a " PR-1"Parks and Recreational District and an " R1-5" Single Family Residential District and /or a " R1-4" Single Family Residential 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 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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Final

Yours truly,

Chris Knoll
Manager of Planning and Land Use

Kevin Lalor
Per: , Senior Planner
Riel Community
986-5069

/jc

By-Law No. _____

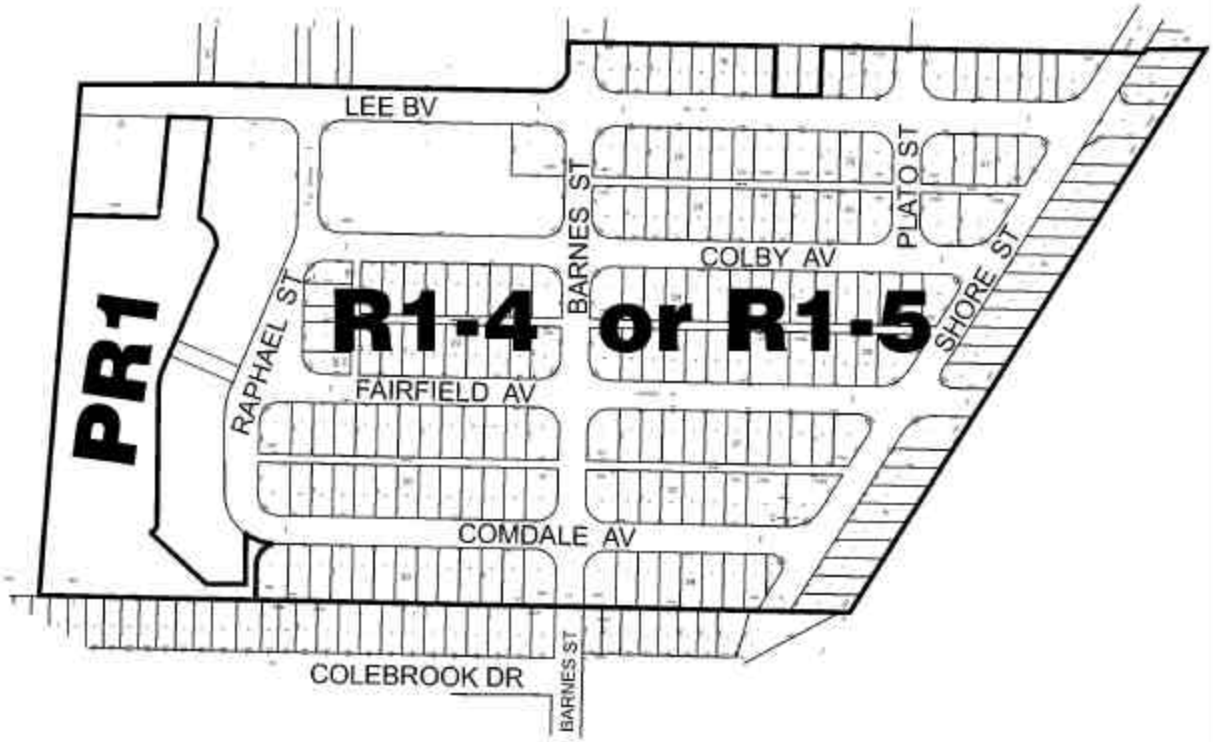
File No. **DAZ 243/03**

Atlas Sheet No. **AM23 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land south of Bison Drive, west of Pembina Highway from an "A.5" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT or an "R1-5" SINGLE-FAMILY DISTRICT and a"PR1" PARKS AND RECREATION DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 243/03, Riel Community Committee, dated January 20/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____