Minute No. 304
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 12, 2016

Item No. 1 **Subdivision and Rezoning – Ridgewood South, Opposite Cardiff Avenue and North of CNR Main Line**
(Charleswood - Tuxedo - Whyte Ridge Ward)
File DASZ 47/2015

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 47/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2015 dated March 8, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement amendment to DASZ 50/2013 containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 10, 2016.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 47/2015 dated March 8, 2016 to the "PR-1" Parks and Recreation (Neighbourhood) zoning district, subject to the following:

    A. That Caveat No. 4635443/1 be partially discharged, that the obligations required under DASZ 50/2013 be waived, and that lands contained within Area 1 of the Ridgewood South Precinct Plan enter into a new Zoning Agreement.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 12, 2016

COUNCIL DECISION (continued):

i. That the Developer shall, at no expense to the City, construct completely within the rear yards of all residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the Canadian National Railway (CNR) Rivers Main Line rail right-of-way, a minimum 2.5m in height berm with a uniform acoustical fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CNR Rivers Main Line rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

ii. That a minimum rear yard of 18.04m shall be provided within the rear yards of the residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the CNR Rivers Main Line rail right-of-way measured from the northern boundary of the existing right-of-way (Deposit No. 840/2014 and Deposit No. 841/2014) to the nearest wall of any principal building, with the understanding that the height of the berm will be increased as provided in the Proximity Guidelines and Best Practices.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 12, 2016

COUNCIL DECISION (continued):

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 12, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2016, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning - Ridgewood South, Opposite Cardiff Avenue and North of CNR Main Line**
File DASZ 47/2015

For submission to: **The Standing Policy Committee on Property and Development, Heritage and Downtown Development**

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

Report date: **March 16, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2016, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 47/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2015 dated March 8, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement amendment to DASZ 50/2013 containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 10, 2016.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 47/2015 dated March 8, 2016 to the "PR-1" Parks and Recreation (Neighbourhood) zoning district, subject to the following:

    A. That Caveat No. 4635443/1 be partially discharged, that the obligations required under DASZ 50/2013 be waived, and that lands contained within Area 1 of the Ridgewood South Precinct Plan enter into a new Zoning Agreement.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That the Developer shall, at no expense to the City, construct completely within the rear yards of all residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the Canadian National Railway (CNR) Rivers Main Line rail right-of-way, a minimum 2.5m in

height berm with a uniform acoustical fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CNR Rivers Main Line rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

ii. That a minimum rear yard of 18.04m shall be provided within the rear yards of the residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the CNR Rivers Main Line rail right-of-way measured from the northern boundary of the existing right-of-way (Deposit No. 840/2014 and Deposit No. 841/2014) to the nearest wall of any principal building, with the understanding that the height of the berm will be increased as provided in the Proximity Guidelines and Best Practices.

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.

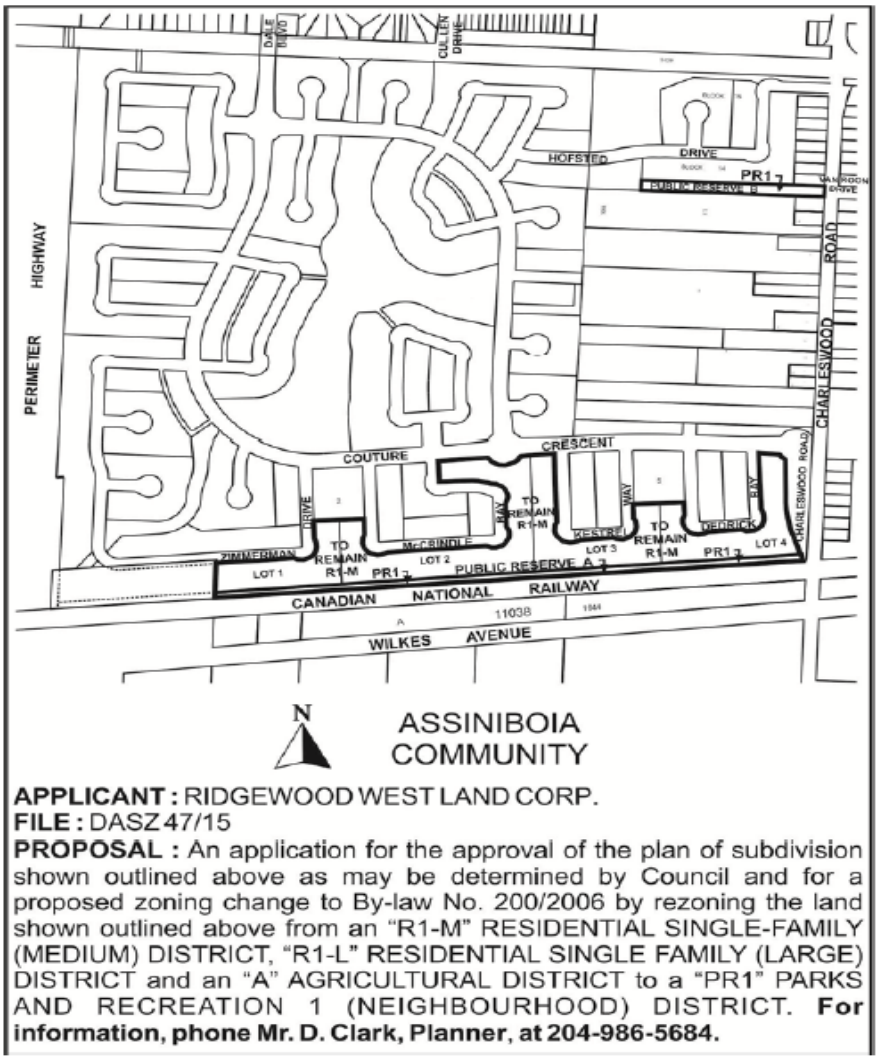
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated March 8, 2016.

PUBLIC HEARING SUMMARY

File:	DASZ 47/2015
Before:	Assiniboia Community Committee Councillor Morantz, Chairperson Councillor Dobson
Public Hearing:	March 15, 2016 Council Building, 510 Main Street
Applicant:	Ridgewood West Land Corp. (Elliott Hannam)
Subject:	



APPLICANT : RIDGEWOOD WEST LAND CORP.
FILE : DASZ 47/15
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 an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R1-L" RESIDENTIAL SINGLE FAMILY (LARGE) DISTRICT and an "A" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT. **For information, phone Mr. D. Clark, Planner, at 204-986-5684.**

Premises Affected: Ridgewood South, Opposite Cardiff Avenue & North of CNR Main Line

Exhibits Filed:

1. Application dated January 4, 2016
2. Notification of Public Hearing dated February 1, 2016
3. Manitoba Status of Titles 2796628/1, 2796630/1, 2796631/1, 2796634/1, 279670/1 and 2802441/1
4. Letter of authorization dated January 5, 2015 from The City of Winnipeg to Ridgewood West Land Corp. and/or Qualico Developments
5. Surveyor's Building Location Certificate and sketch dated September 4, 2014
6. Zoning Development Agreement
7. Caveat 4635442/1
8. Caveat 4635443/1

9. Plans (3 pages)
10. Report from the Urban Planning Division dated March 8, 2016
11. Inspection Report
12. Presentation in opposition to the application submitted by Len Van Roon at the public hearing

REPRESENTATIONS:

In Support:

Elliott Hannam
Eric Vogan
Barb Hutton
Trevor Grafton
Mike Armstrong

In Opposition

Len Van Roon

For Information:

Nil

For the City:

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

Exhibit "10" referred to in File DASZ 47/2015

ADMINISTRATIVE REPORT

Title: DASZ 47/15 – Ridgewood South – Area 1

Issue: An application for consideration at the Assiniboia Community Committee public hearing to subdivide and rezone land from existing single family residential (R1-M and R1-L) and "A" Agricultural to create lands zoned as "PR-1" Parks and Recreation (Neighbourhood)

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 47/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2015 dated March 8, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement amendment to DASZ 50/2013 containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 10, 2016.

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 47/2015 dated March 8, 2016 to the "PR-1" Parks and Recreation (Neighbourhood) zoning district, subject to the following:

   A. That Caveat No. 4635443/1 be partially discharged, that the obligations required under DASZ 50/2013 be waived, and that lands contained within Area 1 of the Ridgewood South Precinct Plan enter into a new Zoning Agreement.

B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

i. That the Developer shall, at no expense to the City, construct completely within the rear yards of all residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the Canadian National Railway (CNR) Rivers Main Line rail right-of-way, a minimum 2.5m in height berm with a uniform acoustical fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CNR Rivers Main Line rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

ii. That a minimum rear yard of 18.04m shall be provided within the rear yards of the residentially zoned lots abutting lands which have been zoned as "PR-1" and which abut the CNR Rivers Main Line rail right-of-way measured from the northern boundary of the existing right-of-way (Deposit No. 840/2014 and Deposit No. 841/2014) to the nearest wall of any principal building, with the understanding that the height of the berm will be increased as provided in the Proximity Guidelines and Best Practices.

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.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone lands within Area 1 of the Ridgewood South Precinct to the "PR-1" Parks and Recreation - Neighbourhood zoning district.
- 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.

HISTORY

May 2011 - The applicants, other major land owners and their client(s) first initiated the creation of the subject Ridgewood South Precinct Plan.

- Introductory meetings were held with the landowners, their consultants and the Urban Planning Division.
- Three Public Open Houses were held (in April 2012, June 2012 and November 2012) to engage the community and solicit feedback to drive the planning and design process,
- Several Technical Advisory Committee (TAC) meetings were held to ensure details regarding, servicing, roadways, transit, parks and open space, emergency services, accessibility and planning were addressed.
- The proposed Ridgewood South Precinct Plan underwent two comprehensive reviews and recommended edits by the various departments that make up the City's Technical Advisory Committee for this project.

March 18, 2013 – Consultants held a Public Open House for the subject rezoning and subdivision application.

October 23, 2013 – City Council adopts the Ridgewood South Precinct Plan, (By-law No. 62/2013) with amendments as recommended by the Assiniboia Community Committee.

February 26, 2014 Council approved – Area 1 subdivision and rezoning

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "D" for File DASZ 50/2013 dated February 4, 2014" to an "R1-M" Single-Family Medium District, an "RMF-S" Residential Multi-Family Small District, and a "PR1" Parks and Recreation 1 District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter for each phase of the development, which Agreement shall contain the following conditions:

i. That, for the development of any building, and/or accessory parking area within the lands zoned "RMF-S" Residential Multi-Family plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, exterior lighting and landscaping to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer shall, at no expense to the City, construct completely within the rear yards of all residentially zoned lots abutting the CNR Rivers Main Line rail right-of-way, a minimum 2.5 height berm with a uniform acoustical fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CNR Rivers Main Line rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

iii. That a minimum rear yard of 28.04m shall be provided within the rear yards of the residentially zoned lots abutting the CNR Rivers Main Line rail right-of-way measured from the northern boundary of the existing right-of-way (Plan 5110) to the nearest wall of any principal building, with the understanding that the height of the berm will be increased as provided in the Proximity Guidelines and Best Practices.

iv. That the Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway (CNR) Rivers Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the

Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the CNR Rivers Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

v. That the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the West Perimeter Highway, a 2.0m to 2.5m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

February 26, 2014 – DAC 17/2013 – Road Closing

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closing as shown on Misc. Plan No. 14604 be approved, subject to the approval of Option Two, in accordance with Schedule "D" for File No. DASZ 50/2013 dated February 4, 2014, and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14604, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

The subject right of way was opened as "Edward Street" by Plan No. 1644 and registered in the Winnipeg Land Titles Office in June of 1911. In January of 1974, the City of Winnipeg passed By-law No. 571/74 renaming the street to "Cardiff Avenue". In September of 1997, the northerly 1.38m of Parcel "B" was widened by Plan No. 35017. The City of Winnipeg subsequently passed By-law No. 7088/97 in September of 1997 renaming "Cardiff Avenue" to its present designation of "Van Roon Drive". The street comprises a well wooded area containing numerous mature trees, bush and undergrowth. It serves no public transportation purpose.

June 24, 2015 - DAV 124450/2015C – The Board of Adjustment concurred in the recommendation of the Planning Department and approved variances on the land for:

1) 12 residential zoning lots providing lot widths a minimum of 50 feet (15.24 metres)
2) 2 residential zoning lots providing lot widths ranging from 54.1 feet (16.48 metres) to 58.1 feet (17.7 metres)
3) 16 residential zoning lots providing lot areas ranging from 5,238 square feet (486.8 square metres) to 8,160.3 square feet (758.1 square metres).

This application was withdrawn

February 3, 2016 - DAV 176935/2015C – The Board of Adjustment concurred in recommendation of the Planning Department, as amended with an additional condition and approved variances on the land for:

1) 12 residential zoning lots providing lot widths a minimum of 50 feet (15.24 metres)
2) 2 residential zoning lots providing lot widths ranging from 54.1 feet (16.48 metres) to 58.1 feet (17.7 metres)
3) 16 residential zoning lots providing lot areas ranging from 5,238 square feet (486.8 square metres) to 8,160.3 square feet (758.1 square metres).

Subject to the following condition(s):

1. That if any Variance granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Variance shall terminate.

2. That the proposed buildings on lots abutting the rear yard of single family residential properties on Charleswood Road shall be single-storey bungalow style structures.

CONSULTATION

In preparing this report there was consultation with:
- Public Works
- Parks and Open Spaces

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	March 8, 2016
File No.	DASZ 47/15

APPENDIX 'A'

DATE: March 8, 2016
FILE: **DASZ 47/15**
RELATED FILES:
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.649

SUBJECT: To subdivide and rezone lands within Area 1 of the Ridgewood South Precinct to the "PR-1" zoning district.

LOCATION: Ridgewood South (Area 1)
LEGAL DESCRIPTION: PARCEL B PLAN 58041; B13PL 58043; L1, L3, L4, L6 B8 PL 58043



APPLICANT: Ridgewood West Land Corp. (Elliott Hannam)
1 Dr. David Friesen Drive
Winnipeg MB R3B 1B9

OWNER: Same as Applicant

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

- The subject land is located within Sub-Area 1 of the Ridgewood South Precinct Plan located between Charleswood Road and the Perimeter Highway in the Ridgewood South Neighbourhood of the Charleswood-Tuxedo-Whyte Ridge ward.
- The applicant is proposing to subdivide and rezone two separate parcels of land within Area 1. The first, identified as Site 1 in this report, is located along the south edge of the Area 1 boundary that is adjacent to the Canadian National Railway line. The second, identified as Site 2 in this report, is west of Charleswood Road and south of the newly established Hofsted Drive , identified as the former Van Roon Drive right-of-way.
- The site is within the New Communities Policy Area under the Complete Communities Direction Strategy. The Site 1 lands adjacent to the CN rail line are currently zoned “R1-M” Residential Single Family – Medium and the Site 2 lands to the south of Hofsted Drive are currently zoned “R1-M” Residential Single Family – Medium, “R1-E” Residential Single-Family Estate and “A” Agriculture.

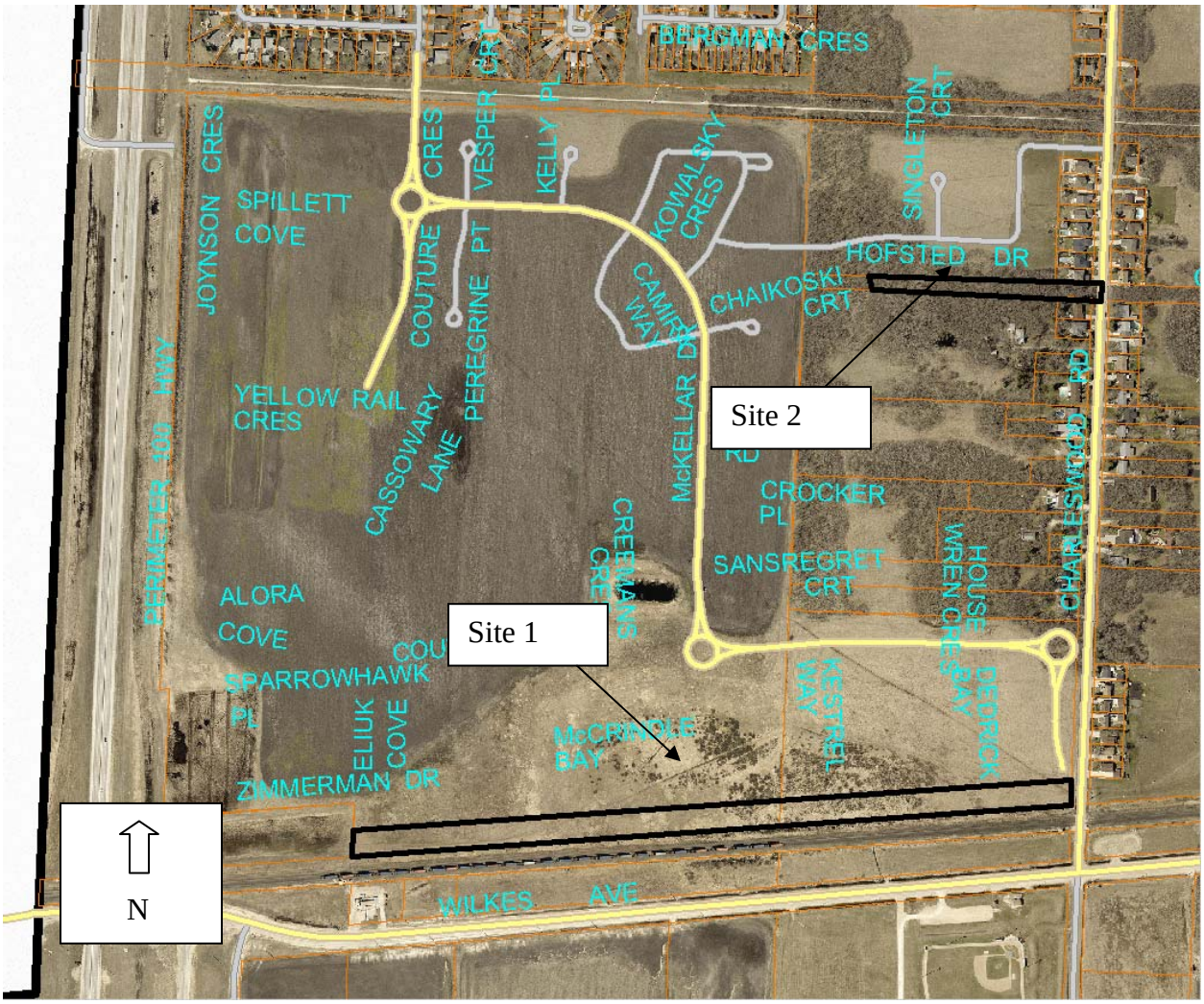


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Residential uses zoned “R1-M” Residential Single-Family Medium and the Harte Trail zoned “A” Agriculture.

South: CNR railway right-of-way (ROW) zoned “A” Agriculture.

East: Residential uses zoned “R1-L” Residential Single-Family Large and open land zoned “A” Agriculture.

West: Residential uses zoned “R1-M” Residential Single-Family Medium.

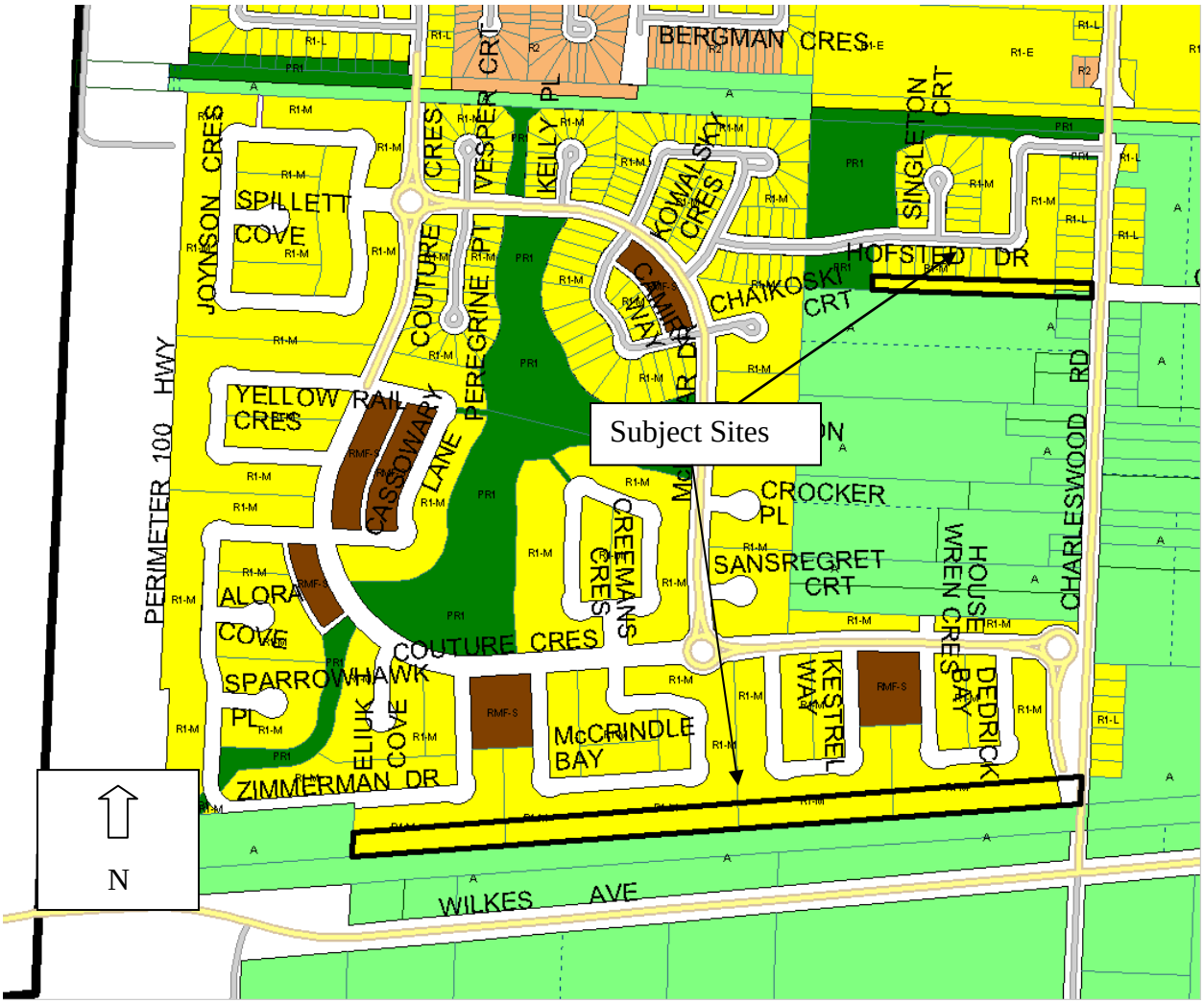


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The Site 1 "PR-1" lands abutting the CNR lands is to be 32.8 feet (10 metres) wide and approximately 2,661 feet (811 metres) in length. The extent of the lands run from Charleswood Road west to land that is currently owned by the Province. See below for zoomed in aerial of Site 1.

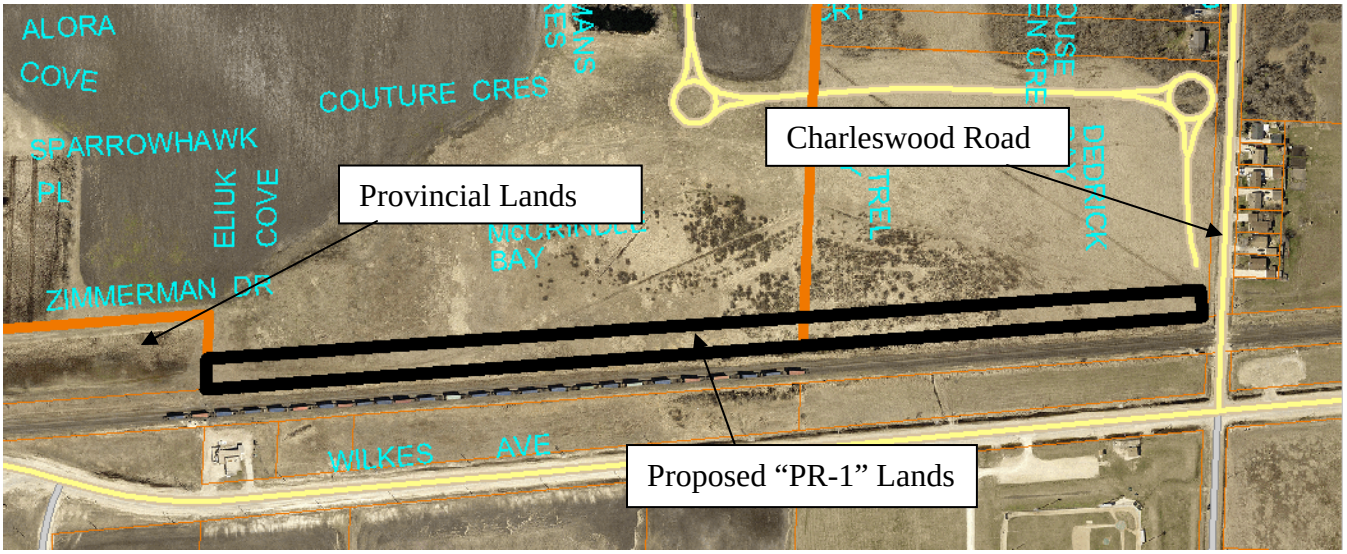


Figure 3: Zoomed in aerial of Site 1 lands adjacent to the CNR lands

- The Site 2 "PR-1" lands to the south of Hofsted Drive are approximately 821 feet (250.4 metres) in length and 50 feet (15.23 metres) wide. This property would tie in with lands that are already designated as "PR-1" to the west and north that connect into the Harte Trail. These lands are currently naturalized with numerous mature trees, bush and undergrowth.

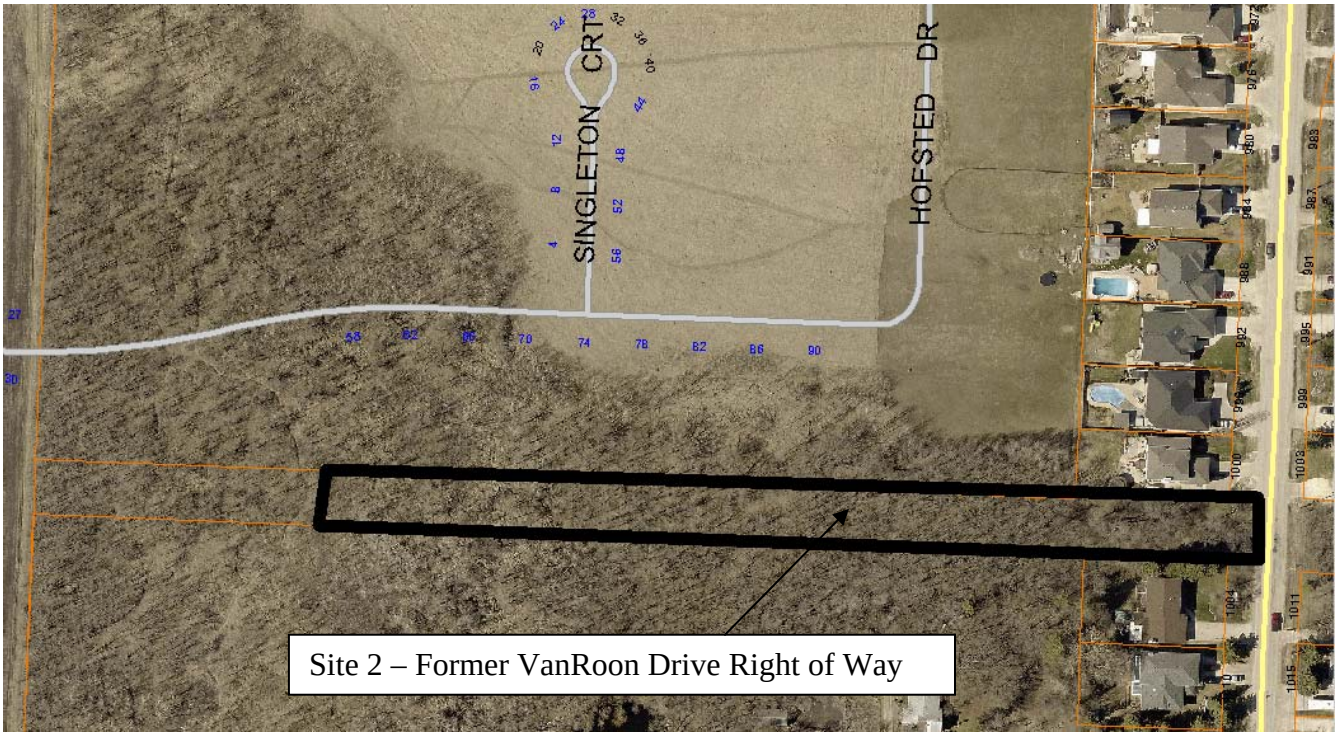


Figure 4: Zoomed in aerial of Site 2 lands

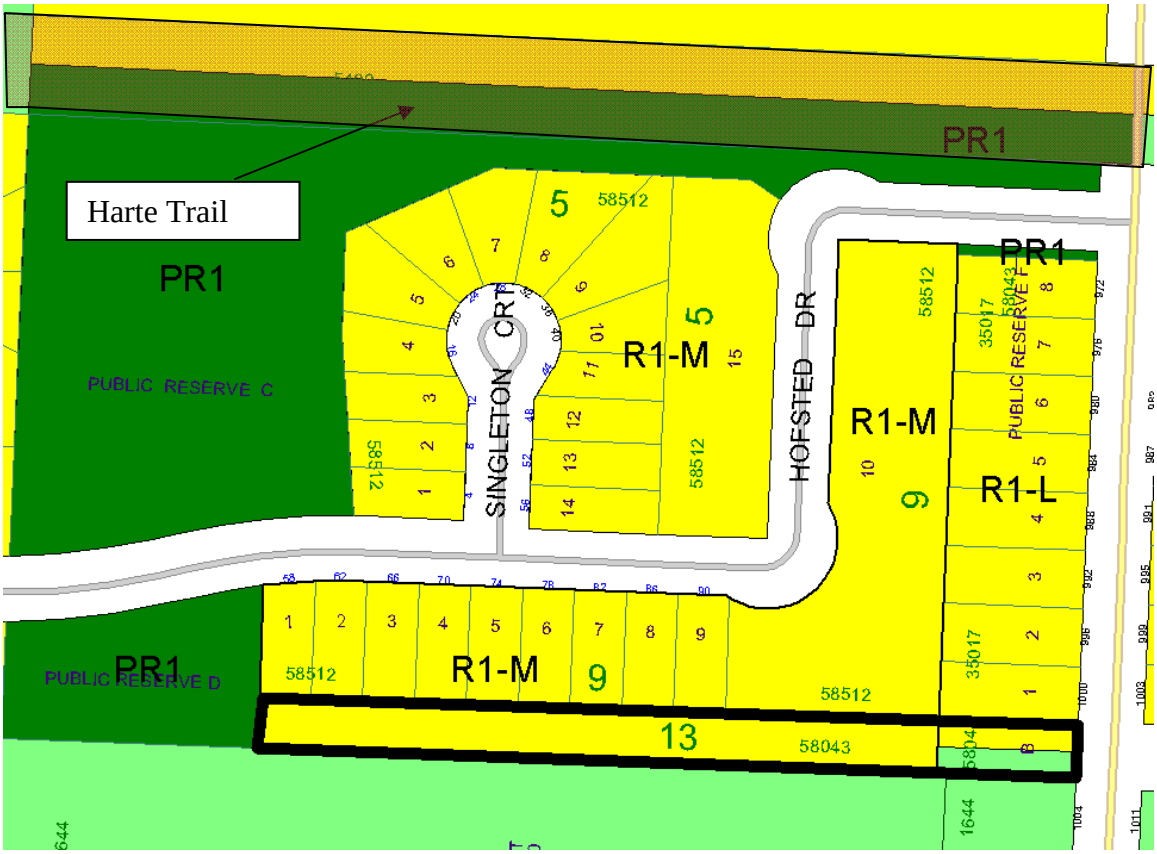


Figure 5: Site 2 subject lands in relation to existing PR-1 lands

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities policy area. With regard to this proposal, the key policies guiding the development of New Communities include:
    - Provide parks at the neighbourhood and community level that address both active and passive requirements for recreation, sport and leisure and that promote connectivity and walkability between park sites and neighbourhood features.
    - Balance the provision (scale, distribution and design) of parks and open space with density, demographics and distance.
    - Park sites will be selected in ways that maximize the conservation, protection and integration of existing natural features.
    - Parks will be integrated purposively into the overall community design.
    - Promote and expand biodiversity and ‘green’ principles consistent with the local natural ecosystem to all Parks, Places and Open Spaces, beyond the expected environments of the urban forest and designated ‘natural areas.’

RIDGEWOOD SOUTH PRECINT (SECONDARY) PLAN

- Overall guiding principles of the Ridgewood South plan indicate that New Communities will be developed in a sustainable manner. This includes:
    - Minimizing the spatial use of land for neighbourhood development
    - Providing a full range of municipal services in an environmentally sound, economical and timely manner.
    - Ensuring that residential development occurs within an acceptable density range in order to reduce land consumption and servicing costs, promote transit use and protect natural areas.

- The subject development is within the Ridgewood South Precinct Plan and is subject to policies under section *6.1 Low Density Residential Area Policies.*

  The purpose of the Low Density Residential Areas is to provide opportunities for a range of lower density residential development with opportunities for multi-family residential development allowed in select locations. Public parks and trails will be interspersed throughout Low Density Residential Areas to serve the recreational needs of residents and the greater Charleswood community (p.24).

- Relevant policies to this proposed development include:

  1) Single family homes shall be the predominant use of land within the low density residential areas, except within approximately 50 metres of a collector road or where a property abuts a public lane, in which case multi-family units are allowed to a maximum of six attached units.
  2) Multi-family uses in low density residential areas shall be ground-entry only and should be designed in a street-oriented fashion.
  3) Residential areas should be developed with neighbourhood character features through the implementation of tools such as architectural and neighbourhood design standards where feasible.
  4) For single family residential units in Sub-Areas 1-5 and 7 the density for the combined total of these areas shall be a minimum of 4.0 units per gross developable acre.
  5) For any new residential lots abutting the existing Harte Trail, vegetation easements, fence restrictions, or other measures to minimize potential adverse impact to the Harte Trail should be incorporated.
  6) Alternative housing forms including special needs housing, institutional uses, recreational uses, public uses, local commercial uses, secondary suites, and other similar and accessory uses may be allowed.
  7) Parks, natural areas and open spaces shall be provided in residential areas to meet active and passive recreational needs of residents and visitors.

8) The residential area shall be served by public transit and include bus stops within 400m (1,312 feet) of most homes.

ZONING

- Current zoning of the subject lands are 'R1-M' Residential Single Family - Medium; 'R1-L' Residential Single Family - Large; and 'A' Agriculture. The proposed zoning of the subject lands, both Site 1 and Site 2, is 'PR-1' Parks and Recreation (Neighbourhood)

- 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.

- The subdivision is applicable to lands adjacent to the CNR right-of-way and would result in the consolidation of one contiguous parcel of land extending from Charleswood Road to land currently owned by the Province.

DISCUSSION OF PROPOSED SUBDIVISION AND REZONING

SITE 1

- The Parks and Open Space (POS) Division has decided to support the application to establish this strip of land along the rail line as undedicated Public Reserve, as a one time trial, subject to several conditions, such as: access at the east and west limits; maximum slope; gate restrictions; and improvement requirements. These are more fully articulated as conditions in the ACG report, identified as "Schedule B."
- The intent of these lands is to provide a buffer between the CNR property and the single family homes that will eventually be built to the north. The Zoning Agreement established with the original subdivision and rezoning of the land (DASZ 50/13) required that fencing and berming be constructed in accordance with the Federation of Canadian Municipalities' Guidelines for new development in proximity to railway operations. The requirements are as follows:

  For every residentially zoned lot on the Owner's Land that abuts the CNR Rivers Subdivision rail right-of-way the Owner must, at no expense to the City:

  i. construct a berm at least 2.5 metres in height and a uniform acoustical fence, 2.0 metres in height, atop the Berm;

  ii. Increase the height of the berm at the request of the Director of Public Works in accordance with the Federation of Canadian Municipalities Guidelines for New Development in Proximity to Railway Operations;

  iii. Maintain and/or repair and/or replace the Berm and Acoustical Fence as originally constructed; and

iv. Provide a rear yard setback of at least 28.04 metres measured from the northern boundary of the right-of-way to the nearest wall of any habitable principal building

- Currently, the "R1-M" properties are planned to abut the CNR ROW. Based on this layout, a berm and fence would be established within privately owned land, followed by another fence adjacent to the CNR ROW (see Figure 5 below) in accordance with the Zoning Agreement conditions.

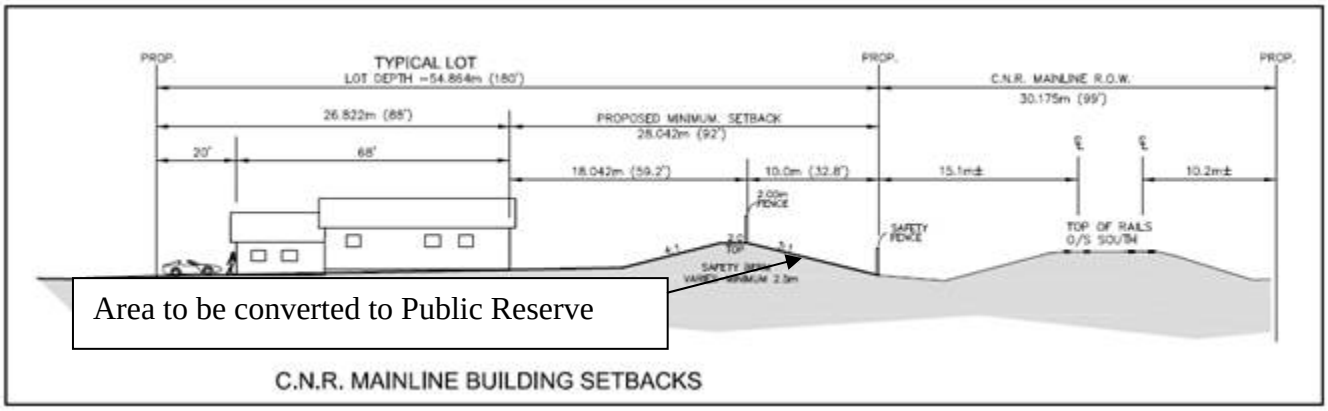


Figure 5: General layout of residential lots, berming and fencing in relation to the CNR right-of-way

- Concerns were identified by the developer with regard to maintenance of the lands under private ownership because the fences on top of the berm would be acting as the rear yard property line, though the property owners would actually own land all the way up to the railway property line. The developer proposed to dedicate the land to the City with the intent that maintenance and planting of the lands could be done in a consistent manner, rather than fragmented and inconsistent management of the land under numerous private land ownerships. These sloped long corridors can be difficult to maintain, given that you cannot easily turn a vehicle around; however, the City of Winnipeg is willing to take on this land as a trial to determine if this is an appropriate means of addressing ownership, maintenance and landscaping within these areas that abut railway lands.
- To minimize maintenance requirements, the plan is to naturalize the site with native prairie grasses. Maintenance should only be required periodically to clear overgrowth and possibly clean up refuse that may end up on site. A recreational pathway is not planned within this area as the slope of the berm would not be conducive to establishing an A.T. path.
- Two points of access are to be established to the public reserve lands, at the east and west limits in order to allow for maintenance vehicles to access the site and move through in one direction. Also, this does provide a means of access /egress for people who may enter the lands. A caveat will be registered to allow the City access to the PR strip by crossing a designated piece of land in Area 1 (DASZ 50/13), until such time that

the developers acquire land from the Province to extend this PR buffer strip west to the southwest boundary of Area 1,

SITE 2

- The developer acquired this parcel for $1.00, formally closed the right-of-way under file DAC 17/2013 and is planning on turning it back over to the City as non-dedicated Public Reserve lands. The site contains natural habitat with mature trees, brush and undergrowth and the City is pleased to take over the property to ensure the maintenance and preservation of these natural features.
- Fencing is proposed as a condition in the ACG report as a means to delineate the rear yards of single family dwellings on Hofsted Drive from the Public Reserve land. The design and location of the fence is to be the responsibility of the developer and is to be confirmed in consultation with the City's POS Division.
- The subject land will connect with the existing "PR-1" lands that are immediately west and allow for a passive connection of public reserve lands that eventually tie in with the Harte Trail to the north. At this time, the POS Division has determined that no formal pathway will be established. However, the Public Service will monitor this area for evidence of demand ("desire lines"), and in the context of the plan of subdivision for Area 2 to the south, look at the best means of extending connectivity with a more formal pathway.
- Active transportation pathways are planned to be established throughout Area 1 (see Figure 6 below). The intent is for A.T. pathways to be constructed from the southwest corner of Area 1 through to a central point in the middle of Area 1 where the pathways will diverge; one continuing north toward the Harte Trail and one continuing east to Area 2. The Area 2 plans have not been designed at this time; however, based on the Ridgewood South Precinct Plan it is anticipated that some sort of pathway could be established northward into the subject PR lands and Harte Trail.

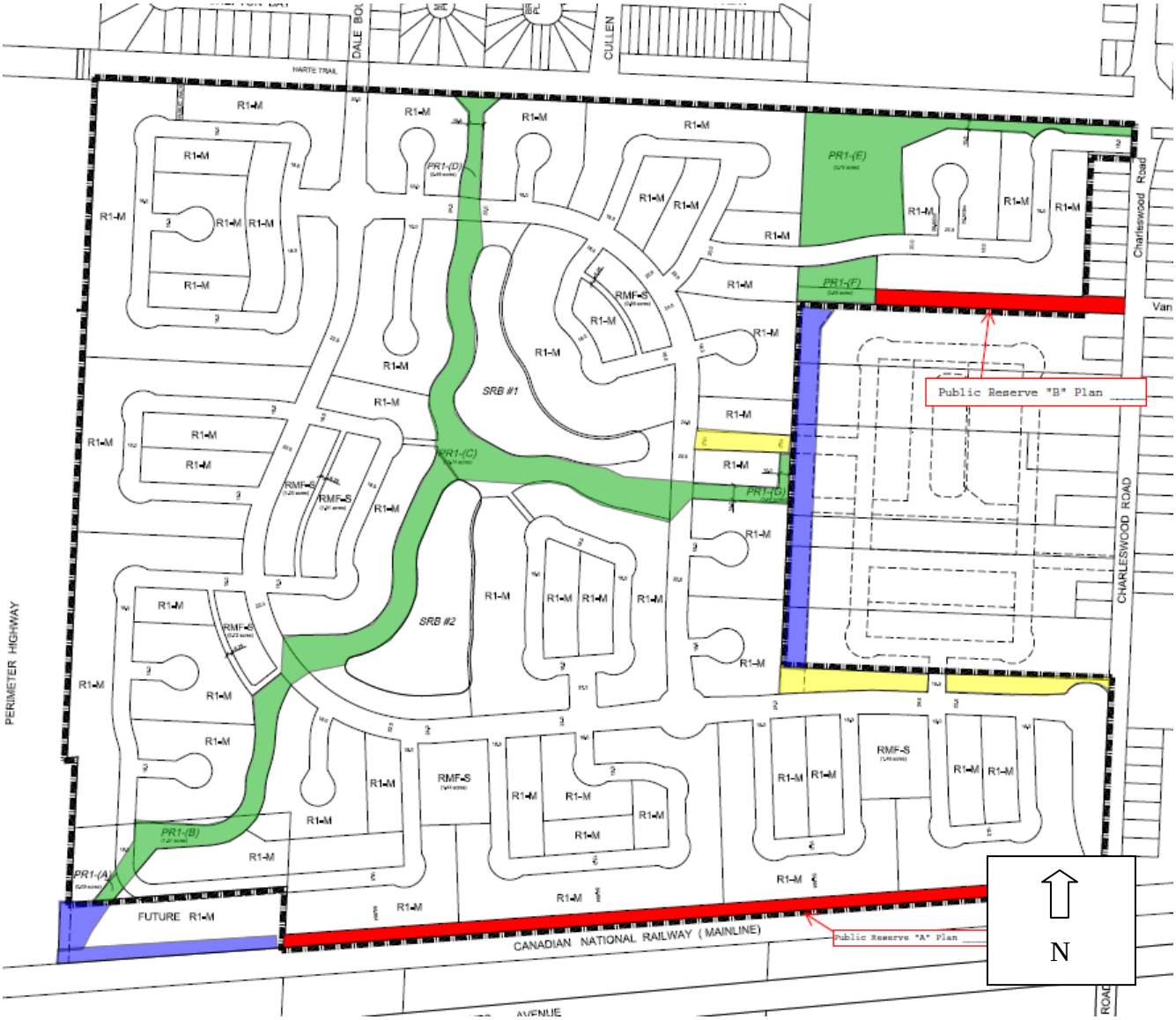


Figure 6: Planned Area 1 Public Reserve lands and potential Area 2 Public Reserve lands

COMPATIBILITY WITH THE SURROUNDING AREA

- The proposed designation of the subject lands to the “PR-1” zoning district for the purpose of passive recreation and naturalization is in line with the policies outlined in both the Complete Communities Direction Strategy and the Ridgewood South Precinct Plan.
- Re-designating the lands that are adjacent to the CN rail line from the “R1-M” zoning district to the “PR-1” district is being explored as a trial to determine if this is a reasonable approach to managing these spaces adjacent to railway right-of-ways when the FCM guidelines are in place, which require adequate berming, fencing and

setbacks. While the developer feels establishing this as a public corridor instead of segmented privately owned parcels cut off by the fence at the top of the berm makes more sense, the City needs to determine if concerns surrounding maintenance, dumping and loitering are valid and just what the real maintenance cost will be.

- The preservation of natural features is a common theme and topic of interest among those who currently reside in the area. The opportunity to incorporate more Public Reserve lands beyond what has currently been set aside under the land dedication requirements further enhances the opportunity to establish and maintain natural features in the neighbourhood.

PUBLIC CONSULTATION

- The applicant has indicated that they have dropped off letters to residents in the immediate vicinity of the Area 1 development and have had opportunities to discuss the development proposal further with those who had any questions or concerns. A copy of this letter is shown as "Appendix B"

RECOMMENDATION

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

- The addition of Public Reserve lands to the neighbourhood is consistent with policies outlined in the Complete Communities Direction Strategy for New Communities and the Area 1 policies of the Ridgewood South Precinct Plan.
- The City Administration is willing to take lands on that are adjacent to the railway right-of-way as a trial, so as not to set precedent going forward for any future proposed development of this nature. City Administration will monitor and review the effectiveness of maintaining these lands and have an opportunity to apply this review to future inquiries regarding this type of proposal. Several conditions have been set out in the Servicing Agreement to ensure that access, maintenance and design of the space is adequate for the City's needs.
- The addition of Public Reserve beyond the dedicated requirement enhances and maintains the opportunity to preserve natural features within the neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 47/15

Schedule "A" for File No. DASZ 47/2015, Assiniboia Community Committee, dated March 8, 2016

By-Law No. _____

File No. **DASZ 47/15**

Atlas Sheet No.

N

AF12
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 in Ridgewood South, opposite of Cardiff Avenue & North of CNR Main Line from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R1-L" RESIDENTIAL SINGLE FAMILY (LARGE) DISTRICT and an "A" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 10, 2016

RE: PROPOSED PLAN OF SUBDIVISION AND REZONING OF LAND LOCATED AT RIDGEWOOD SOUTH OPPOSITE CARDIFF AVENUE AND NORTH OF THE CNR MAINLINE - DASZ 47/2015

It is recommended that if DASZ 47/2015, if granted, be subject to the applicant addressing the following:

The applicant shall provide adequate space to accommodate and ensure ongoing equipment access from both the east and west limits of the proposed public reserve area adjacent to the CNR mainline to the satisfaction of the Director of Public Works. This shall include a minimum 6m wide corridor for maintenance equipment access and include any access point accommodation (including but not limited to curb cuts, approaches and signage as is necessary for maintenance equipment vehicles) as determined by and to the satisfaction of the Director of Public Works. The City will be satisfied if all or part of a residential lot is set aside as temporary access until such time as a permanent access can be provided

In addition, the applicant shall enter into a Development Agreement amendment to DASZ 50/2013 to include the following items:

1) The Developer shall at no expense to the City install a fence along the rear property line of the lots backing onto the proposed public reserve area which was formerly the Van Room Drive right of way. At a minimum bollard style fencing (at the property corners, then 2 - 3 others equally spaced along the rear lot of each property) would be acceptable.

2) The Developer shall, at no expense to the City install a 2.0 meter high fence along the boundary of the proposed public reserve area adjacent to the CNR mainline to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City grade, level and surface the Public Reserve area adjacent to the CNR mainline in accordance with plans and specifications to be approved, prior to commencement, by the Director of Public Works. The Developer shall ensure a maximum 4:1 slope is obtained.

4) The Developer shall, at no expense to the City, surface the slope of the berm with a native seed mix, the composition of which shall be provided by and establishment process completed to the satisfaction of the City Naturalist.

5) The Developer shall, at no expense to the City, assume responsibility for the Public Reserve area adjacent to the CNR mainline and the proposed site access locations until they are developed and Total Performance has been issued, and thereafter, shall maintain the public

reserve improvements for a period of a minimum 3 years, to ensure establishment to the satisfaction of the City Naturalist. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

6) Securities for Public Reserve improvements shall not be released until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 47/2015
February 10, 2016

"Original signed by G. Jasper, P.Eng."

G.V. Jasper P. Eng.,
Land Development Branch

"Original signed by D. Beaton, M.L.Arch."

D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj

'Appendix B' – Copy of letter sent out to residents by developer

One Dr. David Friesen Drive Winnipeg, MB R3X 0G8
QUALICOCOMMUNITIES.COM

QUALICO communities

Dear Resident / Neighbour,

In our ongoing commitment to preserving natural habitat in Charleswood, and ensuring that the Ridgewood West neighbourhood blends in with the existing community, Qualico is in the process of rezoning two parcels of land to *Parks and Recreation 1* and having them dedicated as a Public Reserve.

There are two areas that we intend to have dedicated as Public Reserve:

- a treed strip of land between 1000 and 1004 Charleswood Road which contains significant tree cover
- a strip of land adjoining the CN rail line which is 10 meters in width, which will accommodate a berm that serves as a buffer to the rail line

An application has been made with the City of Winnipeg under application no. DASZ 47/2015. You will see signs going up in the area shortly outlining our application, and the public hearing where this will be discussed being held at 5:00 PM on Tuesday March 15, 2016, at the Assiniboia Community Committee (Council Building – 510 Main Street).

Through the approval of the Ridgewood West plan of subdivision (file DASZ 50/2013), Qualico had previously satisfied the requirement to provide public space and parks in this neigbourhood. This current dedication of land will be over and above that requirement. We hope you will be supportive of this application which will be creating additional public space in the community.

Should you have any questions please feel free to contact myself at 204-254-9295 or by email at channam@qualico.com .

Yours truly,

Ridgewood West Land Corp.

Elliott Hannam
Land Development Officer