Minutes – Executive Policy Committee – November 28, 2018

REPORTS

Item No. 14 Subdivision and Rezoning – Dedrick Bay (Charleswood-Tuxedo Ward) File DASZ 18/2018 [c/r DAV 150581/2018D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and recommended to Council:

1. That the plan of subdivision under File DASZ 18/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2018 dated October 30, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 18/2018 dated October 30, 2018, to an "R1-M" Residential Single-Family (Medium) District and "PR1" Parks and Recreation 1 (Neighbourhood) District.

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

4. That in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

7. That the 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 this one (1)-year period and Council approves the extension.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. 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.

9. 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*.

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, 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 – Dedrick Bay**
File DASZ 18/2018

For submission to: **Executive Policy Committee**

Prepared by: **L. Cowan, Assistant Committee Clerk**
Assiniboia Community Committee

Report date: **November 13, 2018**

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8. 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 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. I concur in the recommendation made in the report from the Public Service.

PUBLIC HEARING SUMMARY

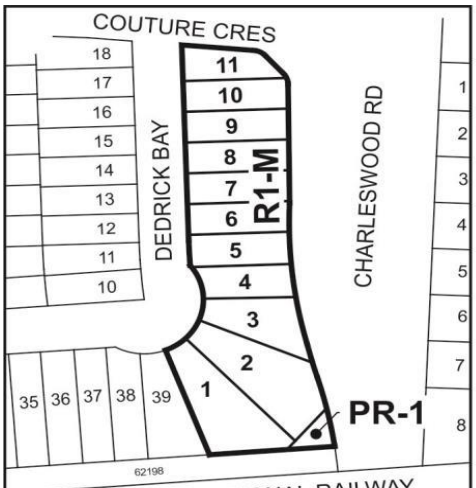
File: DASZ 18/2018

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: November 13, 2018 (most recent date)
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Jeff Pratte)

Subject:



APPLICANT: Landmark Planning & Design Inc.
FILE: DASZ 18/2018
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 to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the establishment of residential lots and public reserve. **For information, phone Mr. Robert Galston Planner at 204-986-8645.**

Premises Affected: Dedrick Bay

Exhibits Filed:

1. Application dated July 27, 2018
2. Notification of Public Hearing September 25, 2018
3. Manitoba Status of Title 2932503/1
4. Letter of authorization dated July 10, 2018 from Ridgewood West Land Corp. to Landmark Planning and Design Inc.
5. Surveyor's Building Location Certificate and sketch dated April 24, 2018
6. Zoning Agreement Development Agreement effective the 27th day of April 2016, between The City of Winnipeg and Ridgewood West Land Corp.
7. Caveat 4635442
8. Plans (2 pages)
9. Report from the Urban Planning Division dated October 30, 2018
10. Inspection Report
11. Presentation in support of the application submitted by the Applicant at the public hearing
12. Recording of Representations

REPRESENTATIONS:

In Support:

Mike Armstrong
Trevor Grafton
Jeff Pratte
Donovan Toews
Bryan Ward

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DASZ 18/2018

ADMINISTRATIVE REPORT

Title: DASZ 18/2018 – Dedrick Bay

Issue: For consideration at the public hearing for a subdivision and rezoning for the establishment of 11 single-family lots and a public reserve.

Critical Path: Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
R. Galston, MCP	B. Smith, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 18/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2018 dated October 30, 2018 with such minor changes as may be required, and 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 18/2018 dated October 30, 2018, to an "R1-M" Residential Single-Family (Medium) District and "PR1" Parks and Recreation 1 (Neighbourhood) District.
3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
4. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.
5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.
6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
7. That the 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 this one (1)-year period and Council approves the extension.

8. 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.

9. 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

- Rezoning applications 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 property may be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this Report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	October 30, 2018
File No.	DASZ 18/2018

List of Schedules and Attachments

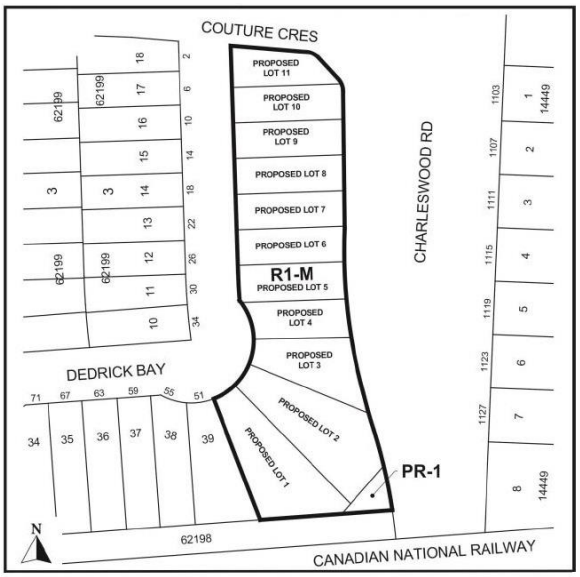
1. Appendix "A" — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 18/2018 dated October 30, 2018

APPENDIX 'A'

DATE: October 30, 2018
FILE: **DASZ 18/2018**
RELATED FILES: DAV 18-150581/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.649 (Ridgewood South)

SUBJECT: To subdivide and rezone one lot from a "R1-M" Residential Single-Family Medium District to an "R1-M" Residential Single-Family Medium District and "PR1" – Parks and Recreation District.

LOCATION: Dedrick BAY
LEGAL DESCRIPTION: LOT 40 BLOCK 1 PLAN 62199



APPLICANT: Landmark Planning and Design (Jeff Pratte)
298 Waterfront DR
Winnipeg , Manitoba R3B 0G5

OWNER:
ONE DR. DAVID FRIESEN DR
Winnipeg , Manitoba R3X 0G8

RECOMMENDATION: Approval with conditions

HISTORY

Ridgewood South Precinct Plan (By-law No. 62/2013)

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

DASZ 50/2013

On February 26, 2014, Council concurred in the recommendation of the Standing Policy Committee on Property and Development concerning the subject lands 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” SingleFamily 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

SITE DESCRIPTION

- The subject property is located on the future Dedrick Bay, south of Couture Crescent in the Ridgewood South Neighbourhood of the Charleswood-Tuxedo-Whyte Ridge Ward.
- The subject site has a total land area of 1.5 acres in area. It is currently vacant.
- The subject property is zoned “R1-M” Residential Single-family Medium.
- The subject property is identified as a New Community within the Areas of Transformation of the *Complete Communities Direction Strategy* Urban Structure Map. It is located within the Low Density Residential Area under the *Ridgewood South Precinct Plan*.

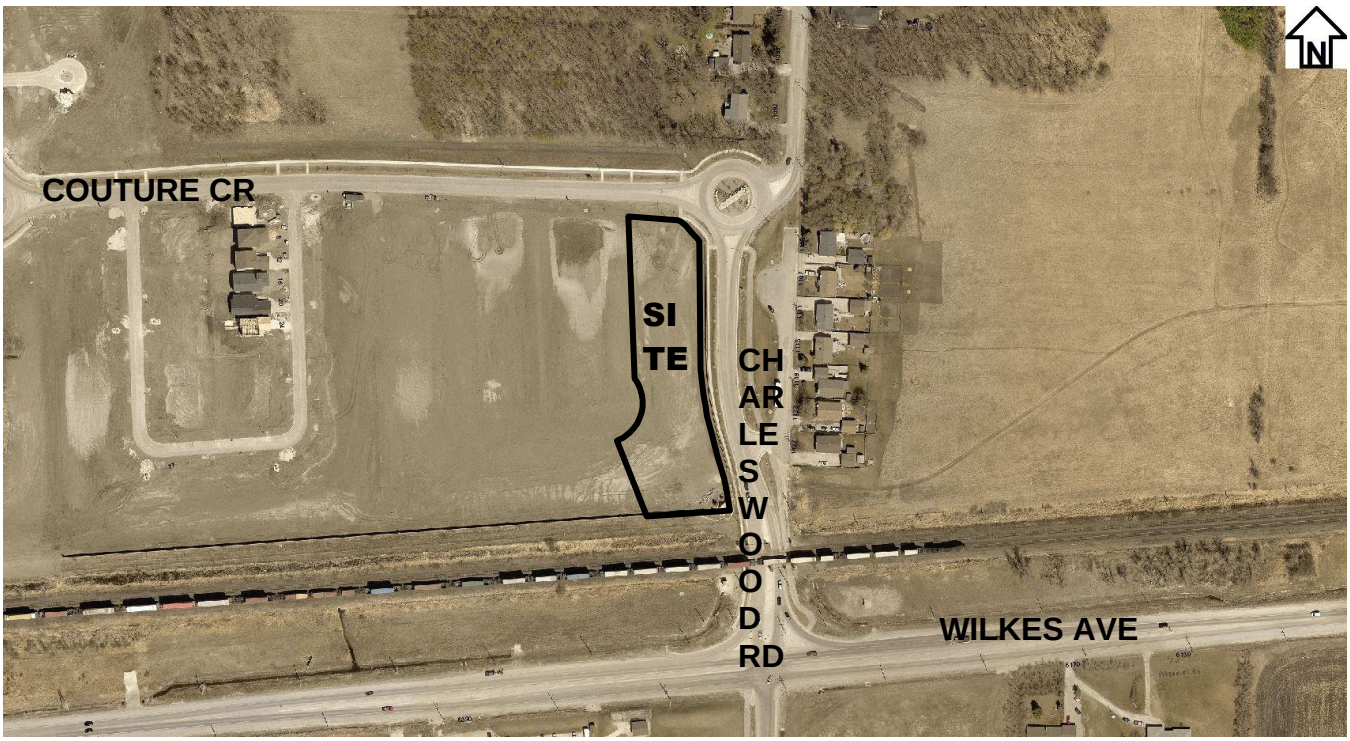


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Couture Crescent, then vacant property zoned “R1-M” Residential Single-Family Medium and residential uses zoned “A” Agriculture.

South: Vacant property zoned “PR-1” Public Reserve, and a railway corridor zoned “A” Agriculture.

East: Charleswood Road, then residential properties zoned “R1-L” Residential Single-family Large.

West: Dedrick Bay, then vacant properties zoned “R1-M” Residential Single-family Medium.

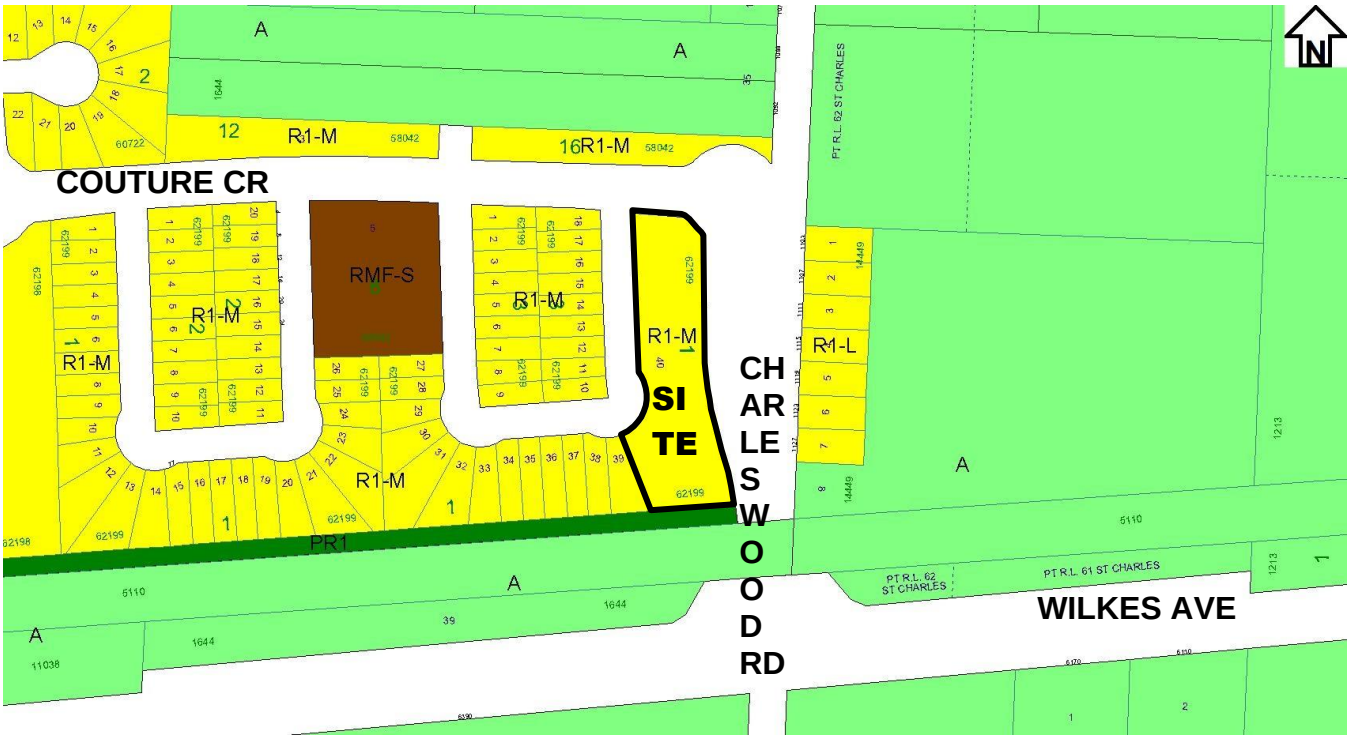


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide one (1) lot currently zoned “R1-M” Residential Single-Family Medium to create 11 new building lots for single family dwellings, as part of a phased development of lands south of Couture Crescent as approved by Council under DASZ 50/2013.
- Each new residential lot will accommodate one (1) single-family dwelling. Access to the proposed residential properties is to be taken from Dedrick Bay. Design drawings have not been submitted for the proposed new single-family dwellings.
- The applicant is proposing to create one (1) Public Reserve area to be zoned “PR1” – Parks and Recreation Neighbourhood. This proposed Public Reserve area is approximately 1,440 square feet in area, and is to be located at the southeast corner of the subject site.
- The proposed “PR-1” district is not associated with a land dedication requirement on the subject property.
- The applicant has communicated that the existing (6)-foot sound attenuation fences on the southern and eastern edges of the subject property will be linked together with additional fencing at the southeast corner of the subject property, as per DASZ 50/2013 (see the History section of this report).
- The proposed development requires variances to the Special Boundary Condition of the Winnipeg Zoning By-law for lot area and lot width under the associated variance application DAV 18-150581/D.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's long-range development plan. The Key Direction of *OurWinnipeg* regarding New Communities states:
    - New Communities will continue to play an important role in accommodating the city's projected population growth. These New Communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.
- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an "Area of Transformation – New Community" in *Complete Communities'* Urban Structure map. Key policies guiding development within New Communities include:
    - Only approve new development when a full range of municipal services, as defined in *OurWinnipeg*, can be provided in an environmentally sound, economical and timely manner.
    - Only approve new development when there is a reasonable relationship between the supply of land and projected demand.
    - Support new development that is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.
    - Encourage greater choices in housing type, density, style and tenure.
    - Promote the design of all streets to maximize connectivity, visual appeal, amenity space and safety where practical and cost effective.
    - Balance the provision (scale, distribution and design) of parks and open space with density, demographics and distance.
    - Promote and expand biodiversity and 'green' principles consistent with the local natural ecosystems to all Parks, Place and Open Spaces, beyond the expected environments of the urban forest and designated 'natural areas'.

RIDGEWOOD SOUTH PRECINCT PLAN (By-law No. 62/2013)

- Under the *Ridgewood South Precinct Plan*, the subject property is located in the Low Density Residential Area. The purpose of the Low Density Residential Area 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 service the recreational needs of residents and the greater Charleswood community.
- Policies guiding development in the Low Density Residential Area are:

    6.1.2.1 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.

6.1.2.2 Multi-family uses in low density residential areas shall be ground-entry only and should be designed in a street-oriented fashion.

6.1.2.3 Residential areas should be development with neighbourhood character features through the implementation of tools such as architectural and neighbourhood design standards where feasible.

6.1.2.4 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 developed acre.

6.1.2.5 For single family residential units in Sub-Areas 8-11, the density for the combined total of these areas shall be a minimum of 3.0 and a maximum of 5.0 units per gross developable acre.

6.1.2.6 For the undeveloped lands north of the Harte Trail, the density, site area and site width of new residential lots directly adjacent to existing lots should generally reflect the pattern of development in adjacent areas.

6.1.2.7 For any new residential lots abutting the existing Harte Trail, vegetation easements, fence restrictions or other measures to minimize potential adverse impacts to the Harte Trail should be incorporated.

6.1.2.8 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.

6.1.2.9 Parks, natural areas and open spaces shall be provided in residential areas to meet active and passive recreational needs of residents and visitors.

6.1.2.10 The residential area shall be served by public transit and include bus stops within 400m (1,213 feet) of most homes.

- The proposal meets the objectives and policies guiding development in the Low Density Residential Policy Area of the Precinct Plan.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Currently, the subject property is zoned “R1-M” – Residential Single-family Medium. The intent of the “R1-M” zoning district is to accommodate primarily single-family residential development in lower-density areas.
- Under the Winnipeg Zoning By-law, a number of dimensional standards apply to “R1-M” districts:
    - Minimum lot size of 3,500 square feet, unless the Special Boundary Condition is required.
    - Minimum lot width of 25 feet, unless the Special Boundary Condition is required.
    - Side yard of four (4) feet are required. However, where the width of the lot is less than 40 feet, side yards may be reduced to 10% of the width of the lot but must not be less than three (3) feet for principal residential structures.
    - Front yard of 15 feet; rear yard of 25 feet.
    - Maximum building height of 35 feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- Single-family dwellings at this location are compatible with the other uses within the Low Density Residential Area of the *Ridgewood South Precinct Plan*.

RECOMMENDATIONS

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

- The subject rezoning complies with policies for low density areas under the *Ridgewood South Precinct Plan*.
- The proposed development is compatible with land uses in the vicinity of the proposed lots.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 18/2018

Schedule "A" for File No. DASZ 18/2018, Assiniboia Community Committee, dated October 30, 2018

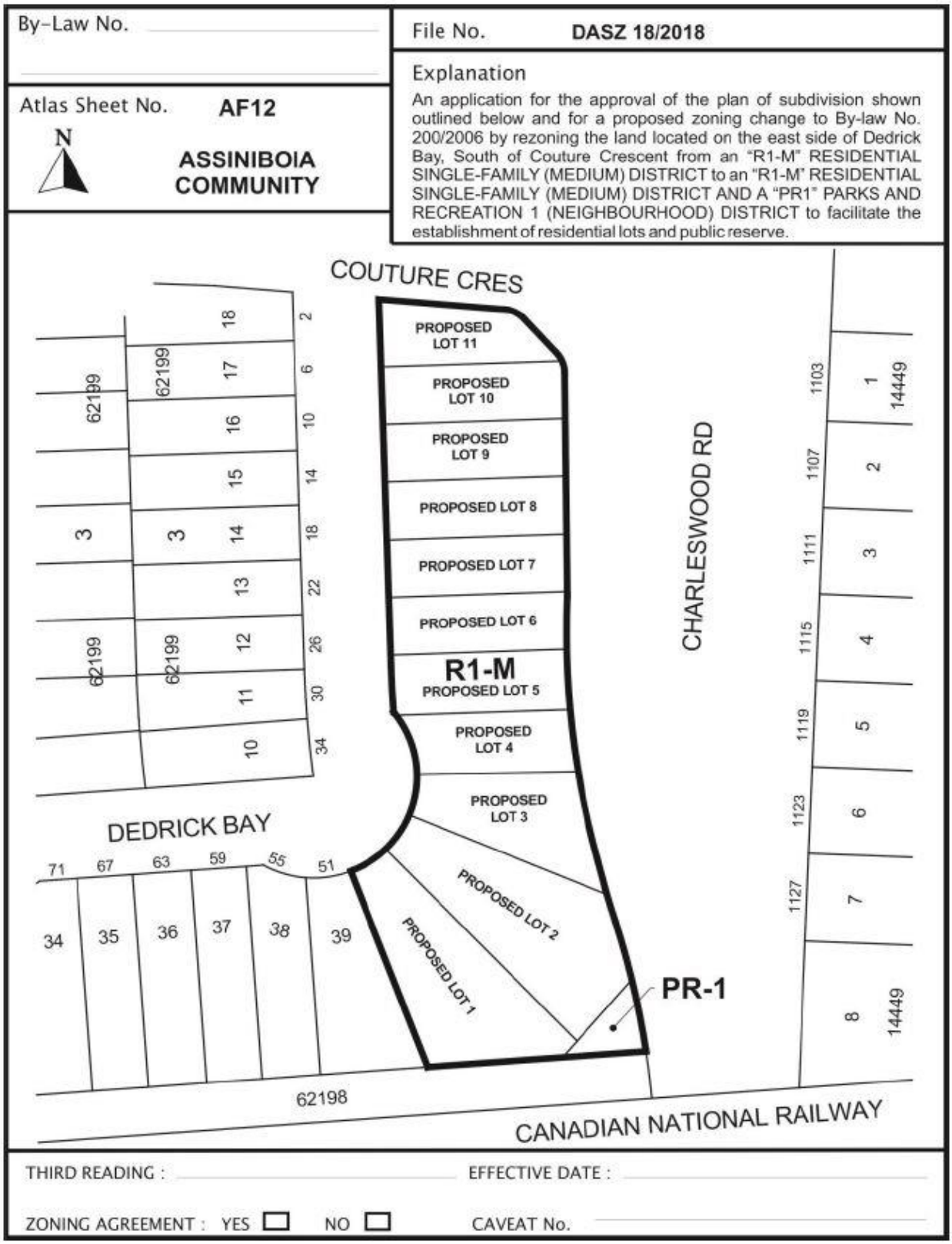
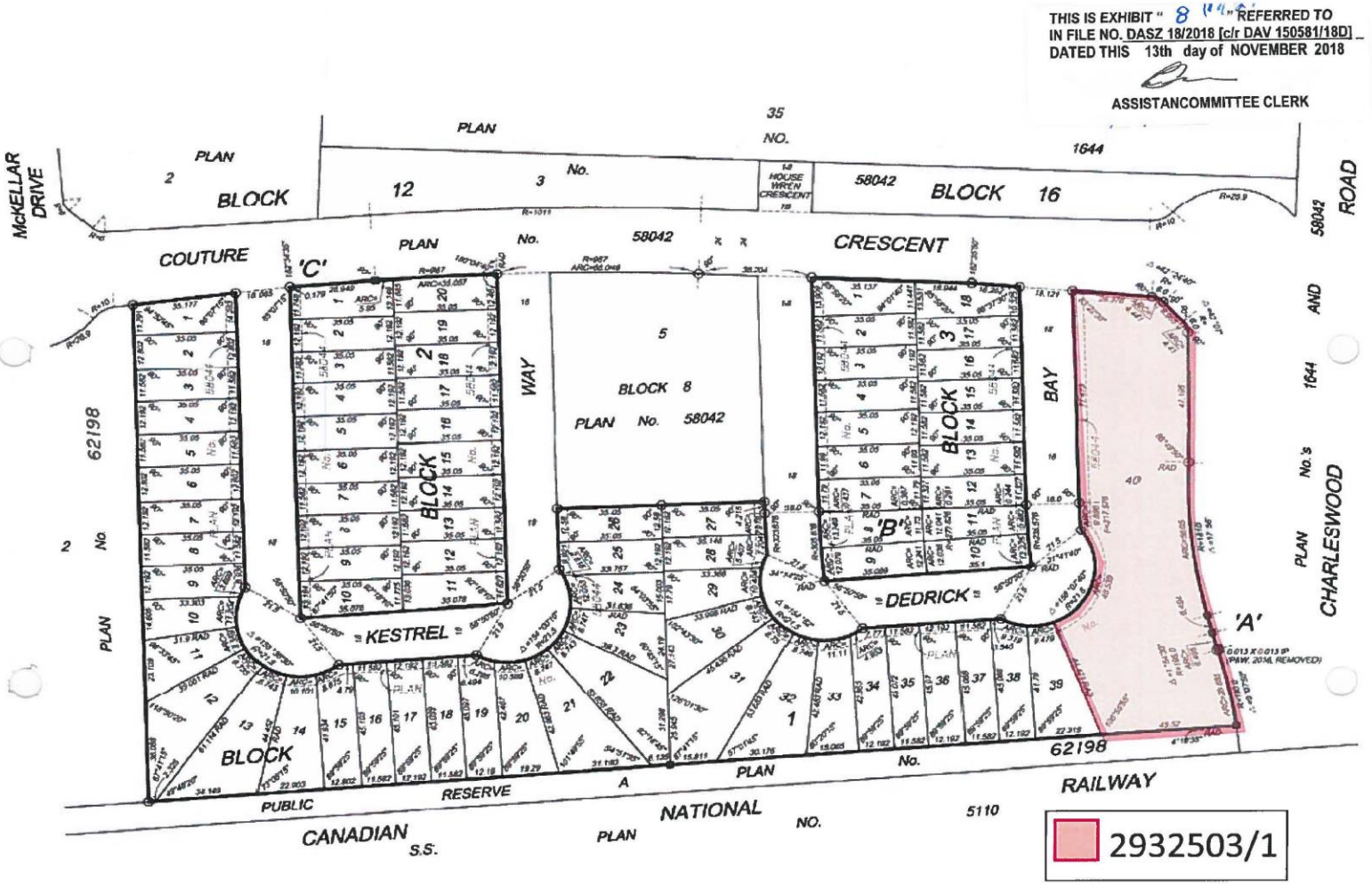


Exhibit “8” referred to in File DASZ 18/2018



THIS IS EXHIBIT " 8 " REFERRED TO
IN FILE NO. DASZ 18/2018 [c/r DAV 150581/18D]
DATED THIS 13th day of NOVEMBER 2018

ASSISTANCOMMITTEE CLERK

