Minute No. 423
Report – Executive Policy Committee – July 2, 2019

Item No. 4 Subdivision and Rezoning – 1092 Charleswood Road (Charleswood-Tuxedo-Westwood Ward) File DASZ 30/2018 [c/r DAV 105195/2019D]

COUNCIL DECISION:

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

1. That the subdivision under Development Application No. DASZ 30/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 29, 2018 and attached as Schedule "A" to this report, 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 to an "R1-M" Residential Single-Family (Medium) District and an "R1-L" Residential Single-Family (Large) District as shown on the map dated April 29, 2019, and attached as Schedule "A" to this report.

3. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of a required Development/Servicing Agreement, a Zoning Agreement and any Ancillary Agreements in accordance with this report and such terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 30/2018, as determined by the City's Director of Planning, Property and Development.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

Report – Executive Policy Committee – July 2, 2019

COUNCIL DECISION (continued):

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Report – Executive Policy Committee – July 2, 2019

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 2, 2019, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 4, 2019, 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.

On May 7, 2019, the Assiniboia Community Committee adjourned the public hearing to its meeting on June 4, 2019, at 5:00 p.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

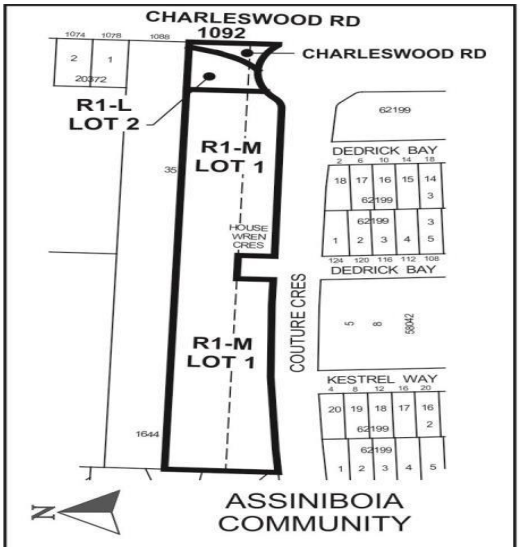
File: DASZ 30/2018

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

Public Hearing: June 4, 2019
May 7, 2019
Council Building, 510 Main Street

Applicant: Landmark Planning and Design (Jeff Pratte)

Subject:



APPLICANT: Landmark Planning & Design Inc.
FILE: DASZ 30/2018
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 "A" AGRICULTURAL DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to allow for the creation of two (2) lots for future development. **For information, phone Mr. R. Galston, Planner at 204-986-8645.**

Premises Affected: 1092 Charleswood Road

For submission to: Executive Policy Committee

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: June 6, 2019

Community Committee Recommendation:

On June 4, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 30/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 29, 2018 and attached as Schedule "A" to this report, 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 to an "R1-M" Residential Single-Family (Medium) District and an "R1-L" Residential Single-Family (Large) District as shown on the map dated April 29, 2019, and attached as Schedule "A" to this report.

3. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of a required Development/Servicing Agreement, a Zoning Agreement and any Ancillary Agreements in accordance with this report and such terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 30/2018, as determined by the City's Director of Planning, Property and Development.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

1. I think it’s because the process has been adhered to, they have followed the process there’s no question of that.

2. They did work with the public service to change the approach and access.

3. This is also a change in zoning that the public service would like to see happen.

4. Also as we understand, no development will happen there until it triggers a subdivision design or more divides and such.

Exhibits Filed:

1. Application dated December 21, 2018
2. Notification of Public Hearing dated March 20, 2019
3. Manitoba Status of Titles 2796644/1, 2796655/1 and 2943882/1
4. Letter of authorization dated July 10, 2019 from Qualico Developments (Winnipeg) Ltd. to Landmark Planning and Design
5. Letter of authorization dated July 10, 2019 from Ridgewood West Land Corporation to Landmark Planning and Design
6. Surveyor's Building Location Certificate and sketch dated November 13, 2017
7. Caveats 4635442 and 4635443
8. Drawings of subject property (4 pages)
9. Report from the Urban Planning Division dated April 29, 2019
10. Inspection Report
11. Notice of Adjournment dated May 9, 2019
12. Recording of Representations of public hearing held on June 4, 2019

REPRESENTATIONS:

In Support:

Mike Armstrong
Jeff Pratte
Brendan Salakoh
Donovan Toews
Bryan Ward

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DASZ 30/2018

ADMINISTRATIVE REPORT

Title: DASZ 30/2018 – 1092 Charleswood Road

Issue: For consideration at the public hearing for a subdivision and rezoning to subdivide two lots and one block into two (2) lots with the provision of a public right of way, and to rezone the two (2) new lots to R1-M" and "R1-L" Residential Single-Family zoning districts, respectively.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 30/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 29, 2018 and attached as Schedule "A" to this report, 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 to an "R1-M" Residential Single-Family (Medium) District and an "R1-L" Residential Single-Family (Large) District as shown on the map dated April 29, 2019, and attached as Schedule "A" to this report.
3. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of a required Development/Servicing Agreement, a Zoning Agreement and any Ancillary Agreements in accordance with this report and such terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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11. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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:	April 29, 2019
File No.	DASZ 30/2018

List of Schedules and Attachments

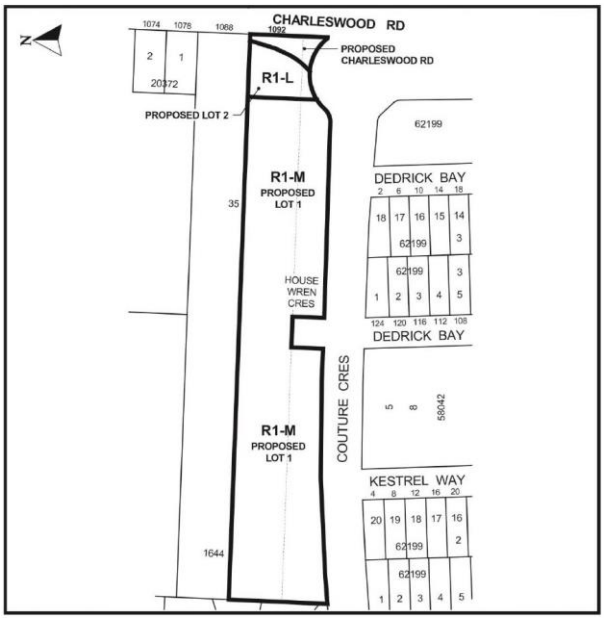
1. Appendix “A” Planning Discussion
2. Schedule “A” Recommended File No. DASZ 30/2018 Dated April 29, 2019

APPENDIX 'A'

DATE: April 29, 2019
FILE: **DASZ 30/2018**
RELATED FILES: DAV 19-105195/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.649 (Ridgewood South)

SUBJECT: To subdivide the subject lands and rezone from an "A" Agricultural and "R1-M" Residential Single-Family Districts to an "R1-M" and "R1-L" Residential Single-Family Districts.

LOCATION: 1092 Charleswood Road
LEGAL DESCRIPTION: EXC N 100F LOT 35 PLAN 1644 62/64 ST C



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

OWNER:
1 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 area of the Ridgewood South Neighbourhood, which contains a portion of 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 fence as originally constructed to the satisfaction of the Director of Public Works.

- The subject subdivision and rezoning included a development agreement with a number of conditions included under Schedule "C" – Report of the Administrative Coordinating Group, dated January 22, 2014. This included the following:

  1. The Developer shall connect Charleswood Road from the north, directly to the proposed roundabout and shall dedicate and legally open property as right-of-way to accommodate this, to the satisfaction of the Director of Public Works.

SITE DESCRIPTION

- The subject property is located on the west side of Charleswood Road north of Couture Crescent, in the Ridgewood South Neighbourhood of the Charleswood – Tuxedo – Westwood Ward.
- An adjacent undeveloped public right-of-way named House Wren Crescent currently extends north from Couture Crescent for a distance of approximately 60 feet. As per DASZ 50/2013, House Wren Crescent will be extended northward and developed as a local street to service future residential development.
- The subject lands have a total area of 3.9 acres. A bi-level, 1,386 square foot single-family dwelling constructed in 1970 is currently located at the easternmost end of the site.
- The subject property is currently zoned "A" – Agricultural and "R1-M" – Residential Multi-Family (Medium).
- The subject property is located within the Areas of Transformation – New Communities area of the *Complete Communities Direction Strategy* Urban Structure Map.

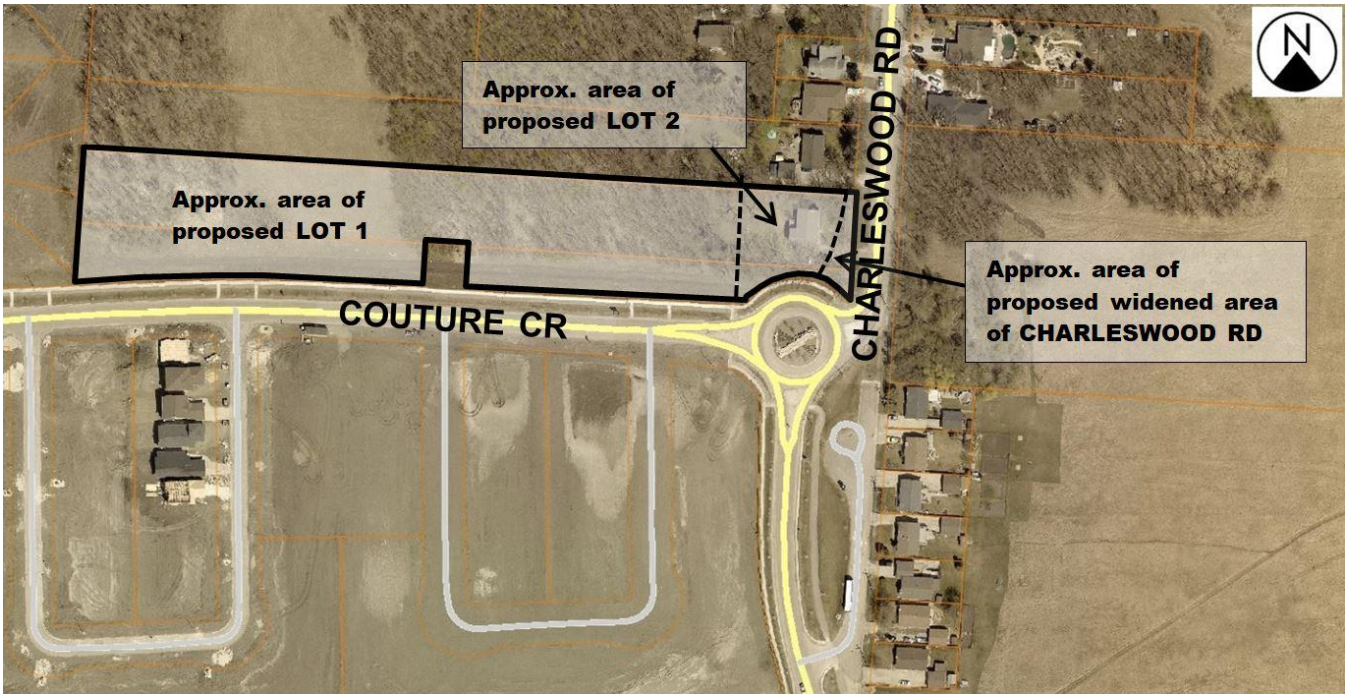


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single-family residential uses zoned "A" – Agricultural.

South: Couture Crescent, then a mix of vacant lots and new single-family residential uses zoned "R1-M" – Residential Single-Family (Medium).

East: Charleswood Road, then vacant land zoned "A" – Agricultural.

West: A mix of vacant lots and new single-family residential uses zoned "R1-M" – Residential Single-Family (Medium).

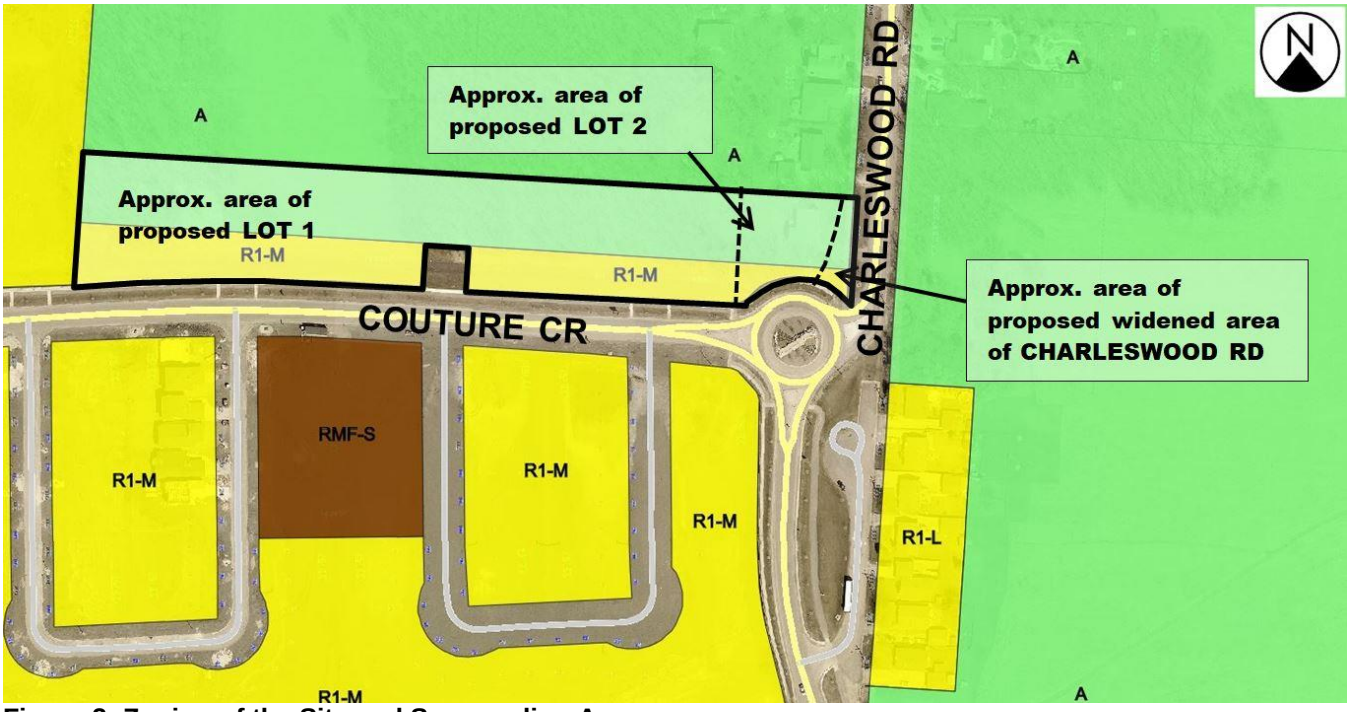


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the existing two (2) lots and one (1) block and create two (2) new lots, Lot 1 and Lot 2.

  Lot 1

  - The proposed Lot 1 is to have a lot size of 155,074 square feet.
  - The applicant proposes to rezone the proposed Lot 1 as "R1-M" in order to accommodate future development of low-density residential uses per the *Ridgewood South Precinct Plan.*
  - Future residential lots on proposed Lot 1 will take access from House Wren Crescent, a currently undeveloped public right-of-way which connects to Couture Crescent.

Lot 2

- The proposed Lot 2 is to have a lot size of 10,454 square feet.
- The applicant proposes to rezone the proposed Lot 2 as "R1-L" in order to accommodate the retention of the existing single-family dwelling.
- An associated Variance (file no. DAV 19-105195/D) related to maintaining the existing driveway is required. Please see the associated planner's report for more information.

- The proposed subdivision will accommodate a widening of the Charleswood Road right-of-way in order to realign the roadway to connect to the roundabout from Couture Crescent. This is based on a condition that was attached to the aforementioned file no. DASZ 50/2013, under Schedule "C" – Report of the Administrative Coordinating Group, dated January 22, 2014. As such, a portion on lands on the eastern portion of the subject site are being dedicated and legally opened as a right-of-way in order to accommodate this direct connection.

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, in Sub-Area 1. 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.

  6.1.2.8 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 proposed subdivision and rezoning meets the objectives and policies guiding development in the Low Density Residential Policy Area of the *Ridgewood South Precinct Plan.*

SUBDIVISION

- As noted above, the subject property is currently made up of two (2) lots and one (1) block. Subdivision is required in order to establish two (2) lots located on the subject site, Lots 1 and Lot 2.

- The future widening of the Charleswood Road right-of-way is proposed in order to allow better alignment between the roundabout from Couture Crescent to Charleswood Road. This realignment will allow for more efficient traffic movement into and through the roundabout at Charleswood Road and Couture Crescent. See Figure 3.

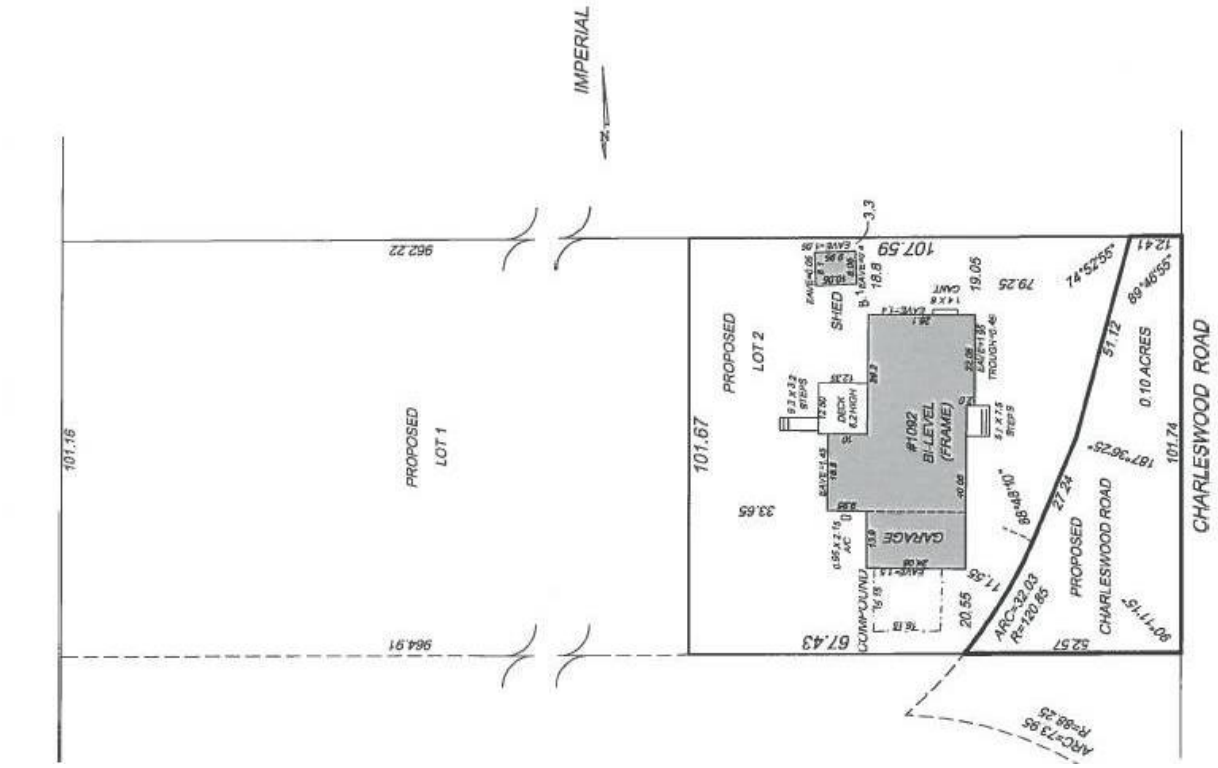


Figure 3: Surveyor's Plan showing proposed Lots 1 & 2 and proposed widening of Charleswood Road.

REZONING

- As noted above, the subject site is currently zoned "A" – Agricultural and "R1-M" – Residential Single-family (Medium).
- Per the Winnipeg Zoning By-law, the "A" zoning district is intended for general agricultural purposes until such time as it is required for future urban development.
- Per the Winnipeg Zoning By-law, the intent of any "R1" zoning district is to accommodate primarily single-family residential development in lower-density areas.
- As noted above, the applicant intends to rezone the subject site to the "R1-L" and "R1-M" zoning districts.
- Under the Winnipeg Zoning By-law, the difference between the "R1-M" and "R1-L" zoning district is the dimensional standards for each category. Differences in dimensional standards for "R1-M" and "R1-L" districts include the following:
    - Lot size:

        - "R1-M" – 3,500 square feet
        - "R1-L" – 5,500 square feet
    - Lot coverage:
        - "R1-M" – 45%
        - "R1-L" – 40%

- Given that the proposed size of Lot 2 is 10,454 square feet, the "R1-L" zoning district is considered a amore appropriate zoning category for the proposed Lot 2.

VARIANCES

- As noted above, a Variance to the dimensional standards of the Winnipeg Zoning By-law related to maintaining a driveway is required. This variance is the topic of an associated planning report under File DAV 19-105195/D.

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 subdivision and rezoning complies with policies for New Communities under the *Complete Communities Direction Strategy*, and with policies in the *Ridgewood South Precinct Plan*.
- The proposed subdivision will accommodate the widening of Charleswood Road so that it better aligns with the roundabout at Couture Crescent, as per the condition in Schedule "C" of DASZ 50/2013.
- The proposed single-family residential uses are compatible with existing and future land uses in the vicinity of the subject property.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 30/2018

Schedule "A" for File DASZ 30/2018, Assiniboia Community Committee, dated April 29, 2019

